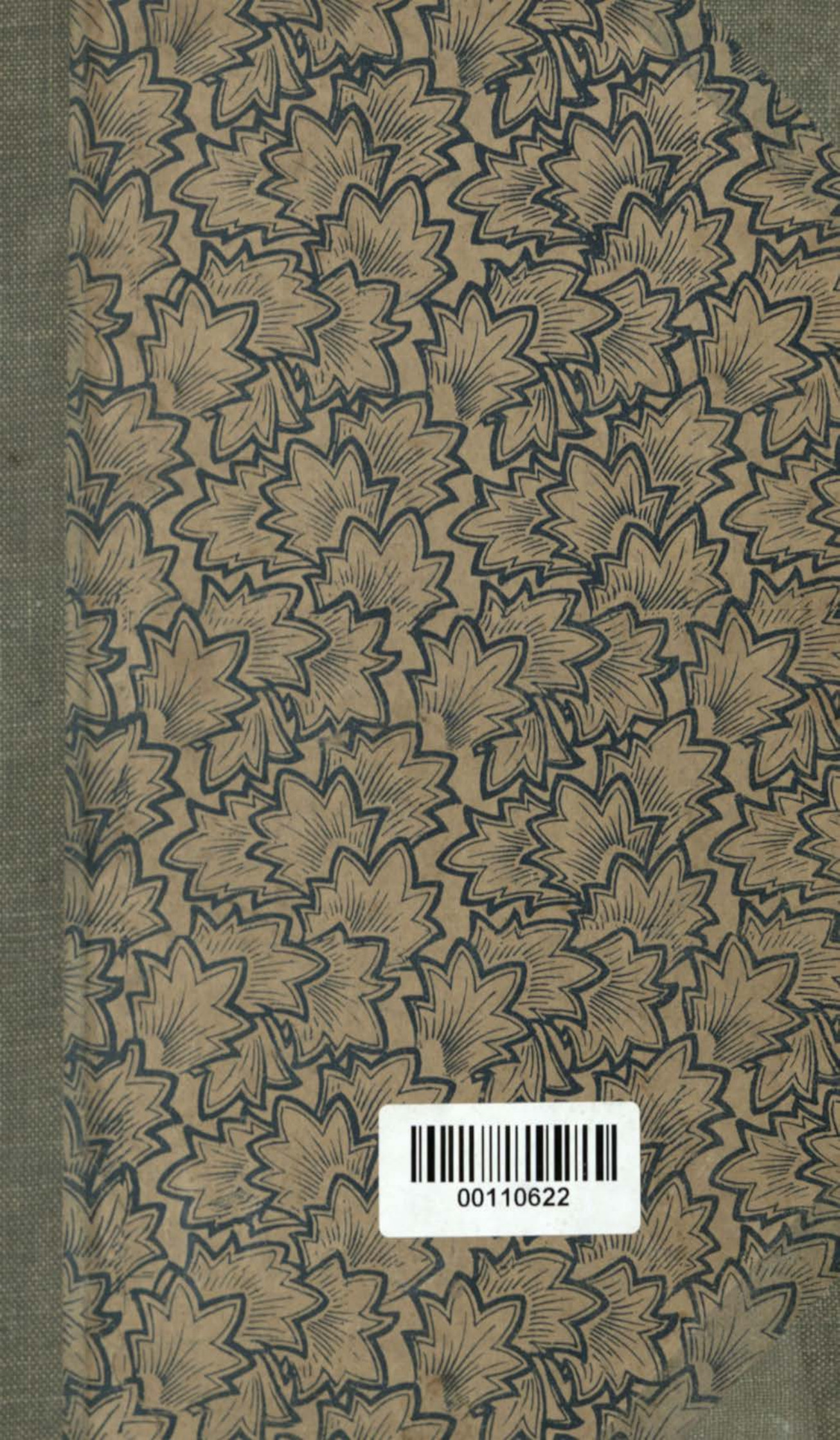
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COLLECTION

OF THE

PUBLIC GENERAL STATUTES,

PASSED IN THE

Ninth Year

OF THE REIGN OF HIS MAJESTY

KING *GEORGE* the FOURTH:

Being the SECOND SESSION of the EIGHTH PARLIAMENT
of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

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1828.

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OF

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lvi. An Act for rebuilding, or for improving, regulating, and maintaining, the Town Quay of *Gravesend* in the County of *Kent*, and the Landing Place belonging thereto. 1229

lvii. An Act for granting further Powers to the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation. 1253

lviii. An Act for maintaining, enlarging, improving, and regulating the Harbour of the Burgh of *Kirkwall* in *Orkney*. 1269

lix. An Act to repair and maintain the Harbour of *Helmsdale*, and Works connected therewith, in the Parish of *Loth* and County of *Sutherland*. 1289

lx. An Act to enable the Company of Proprietors of the *Stockton* and *Darlington* Railway to make a Branch therefrom in the Counties of *Durham* and *York*, and to amend and enlarge the Powers and Provisions of the several Acts relating thereto. 1313

lxi. An Act for making and maintaining a Railway from the River *Tees*, near *Haverton Hill* in the Parish of *Billingham*, to a Place called *Sim Pasture Farm* in the Parish of *Heighington*, all in the County of *Durham*, with certain Branches therefrom. 1333

lxii. An Act for extending the Time for completing the *Nantlle* Railway and other Works connected therewith, in the County of *Carnarvon*. 1397

lxiii. An Act for enabling the *Thames* Tunnel Company to raise a further Sum of Money, and for amending the Act relating to the said Tunnel. 1401

lxiv. An Act for establishing Markets at *Swansea* in the County of *Glamorgan*. 1421

lxv. An Act to enable His Majesty's Justices of the Peace for the County of *Surrey* to nominate and appoint Two or more Persons to act as Principal Land Coal Meters within and for the several Parishes and Places therein mentioned in the said County. 1453

lxvi. An Act for regulating and enabling the City of *Dublin* Steam Packet Company to sue and be sued, and thereby to encourage the Use of Vessels propelled by Steam in the Trade of *Ireland*. 1461

lxvii. An Act for making a Turnpike Road from the Township of *Hunslet*, across the River *Aire*, to the Township of *Leeds*, together with a Branch therefrom, all in the West Riding of the County of *York*. 1489

lxviii. An Act for more effectually repairing the Road from *Great Grimsby Haven* to *Wold Newton* Church, and from *Nuns Farm* to the *Mill Field*, in the Parish *Irby* in the County of *Lincoln*. 1501

lxix. An Act for repairing and improving the Road from *Wakefield* to *Halifax*, with certain Branches therefrom, all in the West Riding of the County of *York*. 1509

lxx. An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the Top of *Steyning Hill*, in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner* in the Parish of *Beeding*, and from thence to *Shoreham Bridge* in the Parish of *Old Shoreham*, in the said County. 1525

lxxi. An Act for more effectually repairing and maintaining the Road from the City of *Chester* to the Town of *Frodsham* in the County of *Chester*, and from the said Town of *Frodsham* to *Ashton Lane End* in the same County. 1537

lxxii. An Act for more effectually repairing so much of the Road from the Town of *Newcastle-upon-Tyne* to the City of *Carlisle* as is within the County of *Northumberland*. 1549

lxxiii. An Act for repairing the Road leading from *Chatteris Ferry*, through *Chatteris* and *March*, to *Wisbech Saint Peter's*, and from thence to *Tid Gote* in the *Isle of Ely*, and from *Wisbech* aforesaid, through *Outwell*, to *Downham Bridge* in the County of *Norfolk*. 1557

lxxiv. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Northop* in the County of *Flint*. 1589

lxxv. An Act for repairing the Road from *Scole Bridge* to *Bury Saint Edmunds* in the County of *Suffolk*. 1609

lxxvi. An Act for more effectually repairing and otherwise improving several Roads called *The Main Trust Roads*, all in the County of *Carmarthen*. 1621

lxxvii. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Wrexham*, in the City and County of *Chester* and the Counties of *Flint* and *Denbigh*. 1633

lxxviii. An Act for more effectually repairing and otherwise improving the Road from *Beverley* to *Kexby Bridge* in the County of *York*. 1653

lxxix. An Act for diverting, widening, repairing, and improving the Road from the Town of *Derby* to the South End of *Compton Street* next *Ashborne*, and from *Ashborne* to *Hurdloe House*, in the County of *Derby*, and

and that Part of the said Road called *The Old Road*, leading from *Hardy's Hill* Toll Gate unto *Compton*. 1661

lxxx. An Act for more effectually repairing and improving the Road leading from *Lisburn* in the County of *Antrim* to the Town of *Monaghan*. 1677

lxxxi. An Act for making, repairing, and keeping in repair several Turnpike Roads in the Parishes of *Llandilofawr*, *Llandefeyson*, *Llandybie*, *Bettws*, and *Llanedy*, and several other Roads in the County of *Carmarthen*. 1733

lxxxii. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the County of *Dumbarton*. 1745

lxxxiii. An Act for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads, between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*. 1757

lxxxiv. An Act for more effectually repairing the *Dunster*, *Stowey*, *Watchet*, and *Crowcombe* Districts of the *Minehead* Roads, in the Counties of *Somerset* and *Devon*; and for making and repairing several other Roads communicating with the same Districts of Road, or some of them. 1777

lxxxv. An Act for more effectually repairing the Road from the Town and Port of *Sandwich* in the County of *Kent*, to the Towns of *Margate* and *Ramsgate* in the *Isle of Thanet* in the said County; and for reducing for a limited Time the Tolls and Duties payable at *Sandwich Bridge*. 1793

lxxxvi. An Act for more effectually repairing and maintaining the Road from *Banbury* in the County of *Oxford*, through *Daventry* and *Cottesbach*, to *Lutterworth* in the County of *Leicester*. 1805

lxxxvii. An Act for making and maintaining a Road from *Wilsontown* Iron Works to the Road leading from *Edinburgh* to *Ayr*, by *West Calder* and *Allanton* in the County of *Lanark*. 1813

lxxxviii. An Act for more effectually repairing and maintaining the Roads from *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. 1821

lxxxix. An Act for more effectually draining and improving the Lands and Grounds lying in *Great* and *Little Waldersey* in the Parishes of *Wisbech Saint Peter's* and *Elm* in the *Isle of Ely*. 1829

xc. An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of *Wantage* in the County of *Berks*. 1873

xci. An Act for making and maintaining a Railway or Tramroad from *Gelly Gille Farm* in the Parish of *Llanelly* in the County of *Carmarthen*, to *Machynis Pool* in the same Parish and County; and for making and maintaining a Wet Dock at the Termination of the said Railway or Tramroad at *Machynis Pool* aforesaid. 1929

xcii. An

xcii. An Act for making and maintaining a Railway or Tramroad from the *Duffryn Llynvi* and *Pwll Cawl* otherwise *Porth Cawl* Railway, to commence at a certain Point therein in the Parish of *Laleston* in the County of *Glamorgan*, and to terminate near to the Town of *Bridgend* in the same County. 2013

xciii. An Act for making and maintaining a Railway or Tramroad from or near the City of *Bristol* to *Coalpit Heath* in the Parish of *Westerleigh* in the County of *Gloucester*. 2069

xciv. An Act for making and maintaining a Railway or Tramroad from *Rodway Hill*, in the Parish of *Mangotsfield* in the County of *Gloucester*, to the River *Avon* in the Parish of *Bitton* in the same County. 2141

xcv. An Act to consolidate and amend several Acts for the further Improvement of the Port of *London*, by making Docks and other Works at *Blackwall* for the Accommodation of *East India* Shipping. 2201

xcvi. An Act to amend an Act for making and maintaining a Navigable Canal from *Lough Erne*, in the County of *Fermanagh*, to the River *Blackwater* near the Village of *Charlemont* in the County of *Armagh*. 2289

xcvii. An Act to enable the *Tees* Navigation Company to make a Navigable Cut from the East Side of the River *Tees*, near *Portrack* in the County of *Durham*, into the said River near *Newport* in the Township and Parish of *Acklam* in the North Riding of the County of *York*. 2293

xcviii. An Act to enable the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, in the West Riding of the County of *York*, to make certain Cuts and Canals, and to improve the said Navigation. 2341

xcix. An Act for amending an Act for rebuilding the Church of *Oldham* in the County Palatine of *Lancaster*, and for taking down and rebuilding the Chancel and Private Chapels attached to the same. 2409

c. An Act for building a Bridge over the River *Thames* at *Staines* in the County of *Middlesex*, and for making proper Approaches thereto. 2429

ci. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from *Wells next the Sea* to *Fakenham* in the County of *Norfolk*, and other Roads connected therewith. 2493

cii. An Act to amend certain Acts for making and maintaining Roads and converting the Statute Labour in the Counties of *Ross* and *Cromarty*, and Part of *Nairn* locally situated in the County of *Ross*. 2505

ciii. An Act for making and maintaining a Turnpike Road from *North End* to *Hammersmith Bridge*, both in the County of *Middlesex*. 2517

civ. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*. 2525

cv. An Act for more effectually amending and improving the Road from *Northwich* to the Guide Post heretofore upon *Delamere Forest* (now the Parish of *Delamere*), near *Kellsall Hill*, in the County Palatine of *Chester*. 2537

cvi. An Act for repairing the Roads from *Tavernspite* to the Towns of *Pembroke* and *Tenby*, and to *Hubberston Hakin*, and from *Loveston Mountain* to *Canaston Bridge*, and from the End of *Toch Lane*, on the said Road from *Tavernspite* to *Hubberston Hakin*, to the Road from *Loveston Mountain* to *Canaston Bridge*, and from the Parish of *Crunwear* to *Pembroke Dock* and *Hobbs Point*, all in the County of *Pembroke*. 2549

cvii. An Act for more effectually repairing and maintaining several Roads leading from *Lymington* in the County of *Southampton*, and the Road to *Wilverley Post* in the *New Forest*. 2561

cviii. An Act for repairing, improving, and maintaining in repair the Turnpike Roads from *Wat's Cross* to *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch Corner*, and from *Penshurst Town* to *Southborough*, in the County of *Kent*. 2573

cix. An Act for more effectually repairing several Roads leading through the County of *Selkirk*, and for better making and repairing the said Roads, and other Roads in the said County, and in the Vicinity thereof. 2581

cx. An Act for more effectually repairing the Road from *Godstone*, in the County of *Surrey*, to *Highgate* in the Parish of *East Grinstead* in the County of *Sussex*. 2597

cxi. An Act to authorize the Relinquishment of the Care and Management of a Road set out by the *Southwark Bridge* Company to the Trustees of the *Surrey* and *Sussex* Roads. 2605

cxii. An Act for more effectually repairing and improving the several Roads called the *Cannon Street* Roads, the *Commercial* Road, the *Horseferry* Branch of Road, the *East India Dock* Road, the *Barking* Road, and the *Shadwell* and *Mile End* Branch of Road, in the Counties of *Middlesex* and *Essex*; and for laying down a Stoneway on the said *Commercial*, *East India Dock*, and *Barking* Roads. 2613

cxiii. An Act for the Improvement and Regulation of *Covent Garden* Market. 2741

cxiv. An Act to explain and amend Two Acts, of the Fifty-first Year of His late Majesty, and the Sixth Year of His present Majesty, for the Improvement of the Port, Harbour, and Town of *Liverpool*; and to authorize the Trustees of the *Liverpool* Docks to pay for certain Lands and Hereditaments purchased under the said Acts. 2765

cxv. An Act for more effectually improving and keeping in repair the several Roads leading to and from the Town of *Bideford* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. 2773

cxvi. An Act to consolidate and amend the several Acts for making the *London* Docks. 2789

cxvii. An Act to amend several Acts for cleansing, lighting, watching, improving, and regulating the Towns of *Manchester* and *Salford* in the County Palatine of *Lancaster*. 2885

cxviii. An Act for making and maintaining a Navigable Cut or Canal from a Point at or near the *Blackrock* in the Harbour of *Tralee* in the County of *Kerry*, to *Croompanrickard* near the Town of *Tralee* in the said County; and for otherwise improving the said Harbour of *Tralee*. 2921

cxix. An Act for supplying with Water the Town of *Pembroke*, and the Neighbourhood thereof, within the County of *Pembroke*. 2965

cxx. An Act for more effectually amending the Road leading from the *Stones End* in *Blackman Street*, in the Borough of *Southwark* in the County of *Surrey*, to *Highgate* in the County of *Sussex*, and several other Roads therein mentioned; and for other Purposes relating thereto. 3009

cxxi. An Act for repairing and maintaining a Turnpike Road from *Belfast* to *Antrim*, and from *Belfast* to the *Copeland Water*. 3037

cxxii. An Act to rectify a Mistake in an Act of this Session of Parliament, intituled *An Act for more effectually repairing the* Dunster, Stowey, Watchet, *and* Crowcombe *Districts of the* Minehead *Roads, in the Counties of* Somerset *and* Devon, *and for making and repairing several other Roads communicating with the same Districts of Road, or some of them.* 3093

PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for enabling *Francis John Browne* of *Frampton* in the County of *Dorset*, Esquire, to grant and convey a certain Capital Messuage or Mansion House, Lands, and Hereditaments, situate at *Forston* in the Parish of *Charminster* in the County of *Dorset*, for the Purposes of a Lunatic Asylum for the County of *Dorset*. 3

2. An Act for inclosing Lands in the Townships of *Tittensor* and *Darlaston*, in the Parish of *Stone* in the County of *Stafford*. 9

3. An Act for inclosing, dividing, and allotting, and for exonerating from Tithes, Lands within the Township or Territories of *Hessay*, in the Parish of *Moor Monkton* in the County of the City of *York*. 33

4. An Act for inclosing Lands in the Parish of *Litlington* in the County of *Cambridge*. 61

5. An Act for inclosing Lands within the Manor and Township of *Broughton*, in the Parish of *Kirkby Ireleth* in the County Palatine of *Lancaster*. 93

6. An Act for inclosing Lands in the Manor and Parish of *Keymer* in the County of *Sussex*. 129

7. An Act for exchanging the entailed Lands and Estate of *Kirkton* and *Whitelaw*, belonging to *Archibald John* Earl of *Rosebery*, situated in the County of *Linlithgow*, for the entailed Lands and Estate of *Newhalls*, belonging to *William Scott Moncrieff* Esquire, situated in the same County; and for investing the surplus Price of *Newhalls* in the Purchase of other Lands to be entailed. 161

8. An Act for inclosing Lands in the Parishes of *Belaugh*, *Scottow*, *Little Hautbois*, and *Hoveton Saint Peter*, in the County of *Norfolk*. 177

9. An Act for dividing and allotting Lands in the Manor of *Corton* within the Parish of *Boyton* in the County of *Wilts*. 205

10. An Act for inclosing Lands within the Graveship of *Holme* in the several Parishes of *Kirkburton* and *Almondbury* in the West Riding of the County of *York*. 229

11. An Act for dividing, allotting, and inclosing the Commons or Waste Lands in the Hamlets of *Ollerset* and *Phoside*, in the Parish of *Glossop* in the County of *Derby*. 269

12. An Act for dividing, allotting, and inclosing the several Moors or Commons called *Scriven Moor* and *Scotton Moor*, in the Townships of *Scriven with Tentergate* and *Scotton*, and the Open Fields within the said Township

Township of *Scotton*; and for exonerating from Tithes the Lands and Grounds in the said Township of *Scotton*, within the Honor of *Knaresborough*, and in the several Parishes of *Knaresborough* and *Farnham* in the County of *York*. 289

13. An Act for inclosing Lands in the Parish of *Wiveliscombe* in the County of *Somerset*. 325

14. An Act for disfranchising *Cranbourne Chase* in the Counties of *Dorset* and *Wilts*. 345

15. An Act for inclosing Lands in the Township of *Ousefleet* in the Parish of *Whitgift* in the County of *York*. 369

16. An Act for inclosing Lands in the Parish of *Axmouth* in the County of *Devon*. 401

17. An Act for dividing, allotting, and laying in severalty Lands in the Parish of *Appleton* in the County of *Berks*. 417

18. An Act for inclosing *Morwell Down* in the Parish of *Tavistock* in the County of *Devon*. 449

19. An Act for effecting an Exchange between the Master or Keeper and Fellows of *Gonville* and *Caius College* in the University of *Cambridge* and *John Dickinson* Esquire. 469

20. An Act for enabling the Committee or Committees of the Estate of *Elizabeth Russ*, a Lunatic, to sell Estates in the Parish of *Clifton* in the County of *Gloucester*, and in the Parish of *Saint Philip* and *Jacob* in the City of *Bristol*. 477

21. An Act to enable the Trustees of the Settlement of the late *Joseph Ashton Richards* and *Eliza* his Wife, both deceased, to concur in granting Leases of Coal and other Mines under Lands in the Parish of *Oldswinford* in the County of *Worcester*, in respect of One undivided Eighth Part of such Mines. 493

22. An Act to enable the Lord Bishop of *Winchester* to fell Timber on the Estates of the See, and for applying the Money to arise from the Sale thereof to the Purposes of an Act of the First and Second Years of His present Majesty, for providing a Residence for the Bishops of *Winchester*. 505

23. An Act for rendering valid the Award of the Commissioner and other Proceedings under an Act of the Forty-ninth Year of King *George* the Third, intituled *An Act for inclosing Lands in the Parish of* Great Washbourne *in the County of* Gloucester, as to certain Lands allotted under the same to the late *Henry Fowke* Esquire. 513

24. An Act to amend an Act of the Thirty-second Year of the Reign of His late Majesty, for vesting those Parts of the Lands and Estate of *Blythswood* and others which lie in the County of *Lanark* in Trustees, for the Purpose of selling or feuing the same; and for other Purposes therein mentioned. 525

25. An Act for vesting an undivided Moiety of certain Estates and Hereditaments in the Counties of *Lincoln* and *Hereford*, devised by the Will of *Sarah Rowe* to separate Uses in strict Settlement, and also the Entirety

of the Advowson of *Munsley* in the County of *Hereford*, devised as to one Moiety by the said Will of the said *Sarah Rowe*, and as to the other Moiety by the Will of *Elizabeth Rowe* deceased, to the same Uses as the said undivided Moiety of the said *Herefordshire* Estates, in Trustees, for the Purpose of selling the same, and investing the Monies arising from such Sale in the Purchase of other Estates, with Powers to pay off Incumbrances. 541

26. An Act for vesting Part of the Settled Estates late of *Frederick Breton* Esquire, deceased, situate in the County of *Southampton*, in Trustees, to be sold, and for applying the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses. 569

27. An Act to enable the Trustees of the Will of *Joseph Butterworth* Esquire, deceased, to effect a Sale to Messieurs *Hoare* of Two Houses in *Mitre Court, Fleet Street*, in the City of *London*. 581

28. An Act to amend an Act of the First Year of His present Majesty, for enabling the Trustees of certain Charity Estates, situate at *Richmond* in the County of *Surrey*, to grant building, repairing, and other Leases thereof; and to repeal certain Parts of such Act; and to direct the Application of the Income of the said Charity Estates. 589

29. An Act for vesting in Trustees the Lands of *Auldcraigoch* and others in the County of *Ayr*, contained in a Deed of Entail made by Sir *Adam Fergusson* of *Kilkerran* Baronet, deceased, to sell the same, and apply the Price in Payment of the Debts affecting the Lands and Estate of *Drummellan*, lying in the same County; and for effectually entailing the said Lands and Estate of *Drummellan*. 605

30. An Act for vesting in *Catherine Farquharson* of *Invercauld*, or the Heir of Entail in Possession of that Estate, certain detached Parts thereof in Fee Simple, upon entailing certain other Lands equivalent in Value thereto. 629

31. An Act for vesting the Estates comprised in the Will of the late *William Bridger Goodrich* Esquire, in Trustees, to be sold, and for applying the Monies arising thereby in discharging the Incumbrances by Mortgage and Bond thereon, and laying out the Residue, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the Uses of the said Will. 653

32. An Act for vesting the Freehold and Leasehold Estates late belonging to *James Rocke* of the City of *Bristol*, Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devisees and Legatees in the Will of the said Deceased named, and of his infant Heir at Law. 681

33. An Act for enabling the Trustees under the Will of *William Randall* Esquire, deceased, to grant Building Leases of Part of the Freehold, Copyhold, and Leasehold Estates thereby devised, and Leases of certain Houses situate in the Parishes of *Lambeth, Battersea, Christchurch*, and *Saint George the Martyr*, in the County of *Surrey*, of *Woolwich* in the County of *Kent*, and of *Clewer* in the County of *Berks*, or elsewhere in *England*. 701

34. An Act to give Powers of Sale over Part of the Estates settled on the Marriage of *Robert Marsham* of *Stratton* otherwise *Stratton Strawless*, in the County of *Norfolk*, Esquire, with *Frances Anne* his Wife; and also over Part of the Estates devised by the Will of *Robert Marsham*, late of *Stratton* otherwise *Stratton Strawless* aforesaid, Esquire, deceased; for the Purpose of obtaining a more connected and convenient Estate, to be settled to the existing Uses of the said Settlement and Will respectively. 725

35. An Act for effecting the Sale of certain Estates in the County of *Surrey*, devised by the Will of the Reverend *Henry Hardinge* deceased; and certain Estates in the County of *Fermanagh* in *Ireland*, devised by the Will of Sir *Richard Hardinge* Baronet, deceased; and certain Estates in the County of *Surrey*, comprised in the Settlement made on the Marriage of the Reverend Sir *Charles Hardinge* Baronet; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses. 745

36. An Act for enabling Trustees to effect a Sale to *Jonathan Brundrett* of the *Inner Temple, London*, Gentleman, of a House in *Bell Yard*, within the Liberty of the *Rolls*, devised by the Will of *Joseph Fisher* Gentleman, deceased. 789

37. An Act for enabling Trustees to sell, under the Authority of the High Court of Chancery, the Real Estates devised by the Will of *Robert Watkin Wynne* Esquire, deceased, or a sufficient Part thereof, for the Purpose of raising Monies to discharge the several Principal Sums and Interest remaining due on the Mortgages, Debts, and Legacies affecting the same Estates. 797

38. An Act for effectuating a Partition, directed by the Court of Chancery, of certain Estates situate in the Parishes of *Wybunbury* and *Barthomley* in the County of *Chester*, devised by the Will of *Peter Bayley* deceased. 873

39. An Act for enabling the Trustees of Mrs. *Ann Molyneux*'s Charities, in *Liverpool*, to grant Building and Repairing Leases, and for better vesting the Estates in them; for confirming Exchanges, and other Purposes for the Benefit of the Charities. 893

40. An Act to effect an Exchange of Lands and Tithes situate and arising in the County of *Buckingham*, belonging to *Richard Lansdale* Yeoman, for other Lands in the same County, of which the Mayor, Bailiffs, and Burgesses of the Borough of *Chepping Wycombe* are seised for charitable Purposes. 913

41. An Act for vesting the Estates of *John Campbell*, late of *Otter* in the County of *Argyle*, in Trustees, to sell the same, or such Parts thereof as may be deemed expedient and necessary, and apply the Purchase Money arising by such Sale in Payment of the Debts and Provisions affecting the same; and for granting Power to feu certain Parts of said Entailed Estates. 925

42. An Act for authorizing the Sale of an Estate, during the Life of *Anthony Daffy Swinton* Gentleman, in certain Hereditaments in the County of *Middlesex*, now standing settled to the Uses of the Will of *Joseph*

Joseph Lucas Esquire, deceased; and for laying out the Money in the Purchase of Estates of Inheritance, to be settled to the same Uses. 949

43. An Act to extend the Power of granting Leases of Parts of the Estates of the Most Honourable *Charles William Vane* Marquis of *Londonderry*, and *Frances Anne Vane* Marchioness of *Londonderry*, his Wife. 961

44. An Act to enable *George* Duke of *Gordon*, or the Heir of Entail in Possession, to sell the Entailed Estate of *Durris*, and purchase other Lands in lieu thereof. 973

45. An Act for confirming a Partition of the *Walcott* Charity Estates, situate in the Parish of *Lambeth* in *Surrey*, by vesting the same in Trustees for the several Parishes of *Lambeth* aforesaid and *Saint Olave Southwark* and *Saint John Horslydown*, in *Surrey*, and for regulating the said Charities; and for empowering the Trustees of the said Charities, and also the Trustees of a certain other Charity called *Hayle's Charity*, in *Lambeth*, to grant Building and Repairing Leases. 997

PRIVATE ACTS,

NOT PRINTED.

46. An Act to dissolve the Marriage of *John Michael Henry Fock* Baron *De Robeck* with *Mary Margaret* Baroness *De Robeck* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

47. An Act for naturalizing *Frederick William Jacob*.

48. An Act for inclosing Lands within the Manor and Borough of *Rhayader* in the County of *Radnor*.

49. An Act for naturalizing *Paulus Emilius Pauli*.

50. An Act for naturalizing *Frederick Charles Lewis Klingender*.

51. An Act to authorize the Lord Archbishop of *Canterbury* for the Time being to appoint a Person or Persons to the Office of Registrar of his Prerogative, without a previous Surrender of the existing Grant or Grants of the said Office.

52. An Act for naturalizing *Andrew Taylor*.

53. An Act for naturalizing *Peter Daelman*.

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TO THE

PUBLIC GENERAL ACTS,

9° GEO. IV.

Shewing whether they relate to the Whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England, (and Wales; if the Subject extends so far).
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I. - - - - - - - Ireland.
E.& I. - - - - - - England and Ireland.
G.B. - - - - - - Great Britain.
G.B.& I. - - - - - Great Britain and Ireland.
U.K. - - - - - The Whole of the United Kingdom.

A.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO REGNI

GEORGII IV.

Britanniarum Regis,

NONO.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *November*, *Anno Domini* 1826, in the Seventh Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

And from thence continued, by several Prorogations, to the Twenty-ninth Day of *January* 1828, being the SECOND SESSION of the EIGHTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

****

CAP. I.

An Act for applying a Sum of Money for the Service of the Year One thousand eight hundred and twenty-eight. [19th *February* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied for or towards making good the Supply granted to His Majesty, for the Service of the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and twenty-eight, the Sum of Five Millions, a Part of the Sum now remaining in the Exchequer, or remaining to be received on the Twenty-eighth Day of *January* One thousand eight hundred and twenty-eight, to complete the Aids granted by Parliament for the Service of the Year One thousand eight hundred and twenty-seven; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and

There shall be applied for the Service of 1828, 5,000,000*l.* arising from the Aids granted in 1827.

Ireland now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

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ANNO NONO

GEORGII IV. REGIS.

****

CAP. II.

An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight.

[19th *February* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Twelve Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His late Majesty, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Treasury may raise 12,000,000*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

The Clauses, &c. in recited Act extended to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Treasury to apply the Money raised.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills to be payable out of the Supplies for the next Session.

IV. And be it further enacted, That the principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Exchequer Bills to bear an Interest not exceeding 3½*d.* per Cent. per Diem.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the Whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Exchequer Bills to be current at the Exchequer after April 5, 1829.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and twenty-nine, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act, and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bank of England may advance 12,000,000*l.* on the Credit of this Act,

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the Whole the Sum of Twelve Millions, any

thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act to the contrary thereof in anywise notwithstanding. notwithstanding 5 & 6 W. & M. c. 20.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

****

CAP. III.

An Act for the regulating of His Majesty's Royal Marine Forces while on Shore.

[21st *March* 1828.]

WHEREAS it may be necessary for the Safety of the United Kingdom, and the Defence of the Possessions of the Crown of *Great Britain* and *Ireland*, that a Body of Royal Marine Forces should be employed in His Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*: And whereas the said Royal Marine Forces may frequently be quartered or be on Shore, or sent to do Duty on board Transport Ships or Merchant Ships or Vessels, or Ships or Vessels of His Majesty not being in Commission, or any Convict Hulk or Ship, where they will not be subject to the Laws relating to the Government of His Majesty's Forces by Sea; yet nevertheless it being requisite for the retaining of such Forces in their Duty, that an exact Discipline be observed; and that Marines who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment that the Law will allow: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, if any Person being entered or in Pay as an Officer of Royal

After March 24, 1828, every Marine Officer, Non-

commissioned Officer and Private Man,

Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer or Private Man in any Division of Royal Marines in His Majesty's Service, and on the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight shall remain in such Service, or during the Continuance of this Act shall be voluntarily entered and in Pay as a Marine Officer or Private Man in His Majesty's Service, and being in such Service, at any Time during the Continuance of this Act, on Shore in any Place within the said Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, shall begin, excite, cause, or join in any Mutiny or Sedition in the Company to which he doth or shall belong, or in any other Company, Troop, or Regiment, either of Marine or Land Forces, in His Majesty's Service, or shall not use his utmost Endeavours to suppress the same; or coming to the Knowledge of any such Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall desert His Majesty's Service; or being actually entered as a Marine in any Company, shall list himself in any other Company, Troop, or Regiment, or enter as a Seaman in His Majesty's Service, without first having a Discharge in Writing from the Officer commanding in Chief the Company in which he last served as a Marine, in which Case he shall be reputed a Deserter; or shall be found sleeping upon his Post, or shall leave it before relieved; or shall hold Correspondence with any Rebel or Enemy of His Majesty, or give them Advice or Intelligence of any kind, by any Ways or Means, or in any Manner whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them, without His Majesty's Licence, or Licence of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being; or shall strike or use any Violence against his Superior Officer being in the Execution of his Office; or shall disobey any lawful Command of his Superior Officer; all and every Person and Persons so offending in any or either of the Matters before mentioned, on Shore in any Part of this Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or on board any Transport Ship or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, shall suffer Death, or such other Punishment as by Court-martial shall be inflicted.

who shall mutiny or desert, &c.

or list in any other Regiment, &c.

or shall be found sleeping on or shall desert his Post, &c.

or shall strike or disobey his Superior Officer; shall suffer Death, or such Punishment as a Court-martial shall inflict.

The Lord High Admiral may grant a Commission for holding a General Court-martial, &c.

II. And be it further enacted, That it shall and may from Time to Time be lawful to and for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to grant a Commission, under his or their respective Hand or Hands, to any Officer of Royal Marines in His Majesty's Service, not under the Degree of a Field Officer, for the holding General Courts-martial at any Place or Places on Shore in this Kingdom, or in any other of His Majesty's Dominions; in every of which Courts-martial all or any of the Offences aforesaid, and all or any other of the Offences herein-after

specified, shall be tried and proceeded against in such Manner as by this Act is directed.

Courts-martial may inflict Corporal Punishment for Immorality, &c.

III. And be it also enacted, That it shall and may be lawful to and for such Courts-martial, by their Sentence or Judgment, to inflict Corporal Punishment, not extending to Life or Limb, on any Marine, for Immorality, Misbehaviour, or Neglect of Duty, on Shore, in any Place or Places within this Kingdom, or in any other of His Majesty's Dominions, or in Transports or Merchant Ships or Vessels, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, during the Continuance of this Act.

Lord High Admiral empowered to make Articles for Punishment of Mutiny and Desertion, &c.

IV. And be it further enacted, That it shall and may be lawful to and for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, at any Time during the Continuance of this Act, to make and establish Rules and Articles in Writing under his or their respective Hand or Hands, which Articles shall be judicially taken notice of by all the Judges, and in all Courts whatsoever, for the Punishment of Mutiny and Desertion, Immorality, Misbehaviour, and Neglect of Duty, in any of His Majesty's Royal Marine Forces, while on Shore in any Part of this Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts, or in Transport or Merchant Ships or Vessels, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, and for bringing Offenders against the same to Justice; and to erect and constitute Divisional or Detachment Courts-martial, with Power to try, hear, and determine any Crimes or Offences specified in such Rules and Articles, and inflict Punishments by Sentence or Judgment for the same, according to the true Intent and Meaning of this Act; and all such Articles of War shall from Time to Time, as soon after the same shall have been established as the same can be done, be transmitted by the Secretary of the Admiralty for the Time being to the Judges of His Majesty's Courts at *Westminster* and *Dublin* and into *Scotland* respectively.

and to constitute Courts-martial.

Punishment.

V. Provided always, That no Person shall be adjudged to suffer any Punishment extending to Life or Limb by the said Rules or Articles, within this Kingdom, except for such Crime or Crimes as is or are expressed to be so punishable by this Act.

Oaths to be taken by Members of Divisional Courts-martial, &c.

VI. Provided also, and be it further enacted, That in all Trials by any Divisional or Detachment Courts-martial which shall be held by virtue of this Act, or of any Articles of War established in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the Oaths herein-after mentioned upon the Holy Evangelists (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the said Oath); that is to say,

Oaths.

'YOU shall well and truly try and determine according to your Evidence in the Matter now before you. So help you GOD.'

'I *A.B.*

'I *A.B.* do swear, That I will truly administer Justice according to 'the Rules and Articles for the better Government of His 'Majesty's Royal Marine Forces when on Shore, and according to 'an Act now in force for the Punishment of Mutiny and Desertion 'and of other Crimes therein mentioned, without Partiality, Favour, 'or Affection; and if any Doubt shall arise (which is not explained 'by the said Articles, or Act), according to my Conscience, and the 'best of my Understanding, and the Custom of War.

'So help me GOD.'

And the President of every such Court-martial (not being under the Rank of Captain) shall be appointed by the Commanding Officer of the Division or Detachment directing such Court-martial; and every such Divisional or Detachment Court-martial is hereby authorized and directed to administer an Oath to every Witness that shall appear before them.

Deserters may be transported for Life, &c.

VII. And be it further enacted and declared, That in case of any Non-commissioned Officer or Marine tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, according to the Nature of the Offence, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years; and if such Non-commissioned Officer or Marine, having been adjudged to be transported as a Felon, shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported,) return into or be found at large without Leave as aforesaid, or other lawful Cause, within any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any of the Islands adjacent to or dependent on the same, or in any of His Majesty's Possessions other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence, and shall be convicted thereof in the ordinary Course of Law, every such Person shall be deemed and adjudged guilty of Felony, and shall suffer Death as a Felon.

His Majesty, where a Capital Punishment is awarded, may order Offenders to be transported.

VIII. Provided always, and be it enacted, That in all Cases wherein a Capital Punishment shall have been awarded by a Court-martial, it shall be lawful for His Majesty, instead of causing such Sentence to be carried into Execution, to order the Offender to be transported as a Felon for Life, or for a certain Term of Years, as to His Majesty shall seem meet; and if the Person so transported in pursuance of such Order from His Majesty shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported,) return to any Part of *Great Britain* or *Ireland*, or into any of the Islands adjacent to or dependent on the same, or into any of His Majesty's Possessions other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Order, and shall be duly convicted thereof, he shall suffer Death.

IX. Pro-

IX. Provided also, and be it further enacted, That if any Non-commissioned Officer or Marine so convicted of Desertion shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Marine so enlisted to serve for Life as a Soldier, or for any Number of Years beyond the Period for which such Non-commissioned Officer or Marine shall have enlisted, or generally in any Regiment or Corps which His Majesty shall please to direct; and any Non-commissioned Officer or Marine may in any Case, in addition to any Service, be further adjudged to forfeit all Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise have accrued to such Non-commissioned Officer or Marine from the Length or Nature of his Service. Court may sentence Deserters to serve for Life, &c.

X. And be it further enacted, That it shall be lawful for any Court-martial, before which any Non-commissioned Officer or Marine shall be tried and convicted of Desertion, to direct, if it shall so think fit, in addition to any other Punishment such Court may award for any such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than Half an Inch long, and to be marked upon the Skin with Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated. or order them to be marked.

XI. And be it further enacted, That whenever His Majesty shall intend any such Sentence of a Court-martial to be carried into Execution, or shall be graciously pleased to extend His Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order and Orders so to be made, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that Time be, and all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Constables, and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under How Order for Transportation shall be proceeded in.

the Authority of the aforesaid Act; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and now in force, concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

Order to be filed in the Office of the Clerk of the Crown;

XII. And be it further enacted, That the Justice or Baron who shall make any such Order as aforesaid, under any such Notification of His Majesty's Pleasure as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of His Majesty's Court of King's Bench, and to be there kept of Record, and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same.

who shall on Application deliver a Certificate of the Conviction of any such Offender, &c.

XIII. And be it further enacted, That the said Clerk of the Crown of His Majesty's Court of King's Bench shall, upon the Application of any such Offender, who shall be ordered by His Majesty to be transported as aforesaid, or of any other Person applying on his Behalf, or on the Application of any Person on behalf of His Majesty, deliver a Certificate in Writing under his Hand (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majesty's Order for such Offender's Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Offenders under Sentence of Death, obtaining His Majesty's conditional Pardon, not suffered to escape.

XIV. And be it further enacted, That if any Offender under Sentence of Death by a Court-martial as aforesaid shall obtain His Majesty's conditional Pardon as aforesaid, all and every the Laws now in force touching the Escape of Felons under Sentence of Death shall apply to such Offender, and to all Persons aiding, abetting, or assisting in any Escape or intended Escape of any such Offender, or contriving any such Escape, from the Time when such Order shall be made by such Justice or Baron as aforesaid, and during all the several Proceedings which shall be had for the Purposes aforesaid.

General Court martial not to consist of less than 13, except in Cases where serving beyond the Seas, &c.

XV. And it is hereby further enacted and declared, That no General Court-martial which shall have Power to sit by virtue of this Act shall consist of a less Number than Thirteen, whereof none to be under the Degree of a Commissioned Officer; except Courts-martial to be holden on any Officer, Non-commissioned Officer, or Private Marine, who may be serving on Shore in any Place beyond the Seas, and out of His Majesty's Dominions, or out of the *East Indies*, in which Cases any General Court-martial may consist of any Number not less than Seven; and the President of such Court-martial shall not be under the Degree of a Field Officer of Royal Marines, unless where such Field Officer cannot be had, in which Case the

Marine Officer next in Seniority to such Field Officer, not being under the Degree of a Captain, shall preside at such Court-martial; and that such Court-martial shall have full Power and Authority, and are hereby required, to administer an Oath to every Witness, in order to the Examination on Trial of any of the Offences that shall come before them.

Oaths to be taken by all Members of a General Court-martial.

XVI. And be it further enacted, That in all Trials of Offenders by General Courts-martial to be held by virtue of this Act, every Officer present at such Trials, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Court and Judge Advocate or his Deputy (who are hereby authorized to administer the same), in these Words; that is to say,

Oaths.

'YOU shall well and truly try and determine, according to the Evidence which shall be given in the Matter now before you, between our Sovereign Lord the King's Majesty and the Prisoner to be tried. So help you GOD.'

'I *A.B.* do swear, That I will truly administer Justice according to an Act now in force for the Regulation of His Majesty's Royal Marine Forces while on Shore, and according to the Rules and Articles made in pursuance of the said Act for the Punishment of Mutiny and Desertion, and other Crimes therein respectively mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise (which is not explained by the said Act or the said Rules and Articles), according to my Conscience, the best of my Understanding, and the Custom of War in like Cases: And I further swear, That I will not divulge the Sentence of the Court, until it shall be approved by the Lord High Admiral, or Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*; neither will I, upon any Account at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law.

'So help me GOD.'

The Judge Advocate to be sworn.

And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words:

The Oath.

'I *A.B.* do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law. So help me GOD.'

Oaths to be administered to Witnesses.

In Sentences of Death, what Number of Officers shall concur, &c.

And every such Court-martial is hereby authorized and directed to administer an Oath to every Witness who shall appear before them; and no Sentence of Death shall be given against any Offender by any such General Court-martial as aforesaid, unless Nine Officers present, or where the Court-martial shall consist of Seven Members, unless Five Officers present shall concur therein; and if there be more Officers present than Thirteen or Seven respectively, then the Judgment

Judgment shall pass by the Concurrence of Two Thirds of the Officers present; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest in like Manner as Witnesses attending any of His Majesty's Courts of Law are privileged; and that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or the Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses duly summoned as aforesaid, who shall not attend on the Court-martial, whether the same be a General or Divisional Court-martial, or who attending shall refuse to be sworn or to give Evidence on any Court-martial, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies*, or elsewhere respectively, upon Complaint made to the said Courts of King's Bench or Court of Sessions in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, in like Manner as if such Witness had neglected to attend on a Trial in any Criminal Proceeding in that Court.

Hours of Trial.

Witnesses during their Attendance privileged from Arrest.

Witnesses not attending liable to be attached.

XVII. Provided always, and be it further enacted, That it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Private Marine to Imprisonment, or to Imprisonment and hard Labour, in any House of Correction, Common Gaol, or Public Prison, or in any other Place which such Court may appoint for that Purpose; and all Gaolers and Keepers of such Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged by, any Non-commissioned Officer or Private Marine who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Private Marine, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the Division at which such General or other Court-martial shall have been held; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Private Marine in Manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Use of His Majesty.

Courts-martial may sentence Offenders to Imprisonment, &c.

XVIII. Pro-

XVIII. Provided also, and be it further enacted, That it shall and may be lawful for the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, in case he or they shall deem it expedient so to do, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement to be expressed in any Sentence upon any Non-commissioned Officer or Private Marine, either previous to the Commitment of such Non-commissioned Officer or Private Marine under any such Sentence, or at any Time afterwards during the Period of Confinement mentioned in such Sentence, and so from Time to Time as often as the said Lord High Admiral or the said Commissioners shall deem it requisite; and that the Gaoler or Keeper of the Prison, Gaol, or House of Correction, in which such Non-commissioned Officer or Private Marine shall happen to be, shall immediately on the Notification of such Order to him, remove and convey, or cause to be removed and conveyed, such Non-commissioned Officer or Private Marine to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid, (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, such Copies respectively to be attested by the Secretary of the Admiralty for the Time being, receive into his Custody, and shall confine pursuant to such Sentence, such Non-commissioned Officer or Private Marine, under the like Penalty and Forfeiture of One hundred Pounds, in case of Refusal or Neglect, as is herein-before provided; such Penalty or Forfeiture in any such Cases to be recovered in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Exchequer or Court of Sessions at *Edinburgh*.

Lord High Admiral may change the Place of Confinement of such Offenders.

Gaoler to be allowed not exceeding 1*s.* per Mile for Charges of Removal.

XIX. And be it further enacted, That every Non-commissioned Officer or Private Marine, who shall be sentenced by any General, Divisional, or Detachment Court-martial to be imprisoned, shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also that during the Continuance of any such Imprisonment, the Gaoler or Keeper of such Prison or House of Correction shall receive the Sum of Sixpence *per Diem* out of the Subsistence of such Non-commissioned Officer or Private Marine, during the Time that such Non-commissioned Officer or Private Marine shall continue in Custody; which said Sum the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, are hereby authorized and required to cause to be paid by the Paymaster of Royal Marines to the said Gaoler or Keeper aforesaid, upon receiving an Application in Writing to their Secretary, signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said Non-commissioned Officer or Private Marine was confined: Provided always, that it shall be

Pay to be forfeited during Imprisonment.

Gaoler to receive 6*d.* per Day for Subsistence of Prisoner.

lawful for the said Lord High Admiral or the said Commissioners for the Time being, if they should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Private Marine, during or after the Expiration of the Period of his Imprisonment in any Gaol, House of Correction, or Place of Military Confinement.

Like Allowance of 6*d.* per Day in Places of Military Confinement.

XX. Provided always, and be it enacted, That in case such Imprisonment shall be in any Place of Military Confinement, and not in a Common Gaol or House of Correction, then the like Allowance of Sixpence *per* Day for Subsistence shall be made by the Paymaster General of Royal Marines to the Non-commissioned Officer or Private Marine so imprisoned, in lieu of all Pay or other Allowances.

The Party tried entitled to a Copy of the Sentence and Proceedings of the Court-martial.

XXI. And be it enacted, That the Party tried by any General Court-martial to be held as aforesaid shall be entitled to a Copy of the Sentence and Proceedings of such Courts-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf, he or they paying reasonably for the same, at any Time not sooner than Three Months after such Sentence, whether such Sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Original Proceedings, &c. of Courts-martial to be transmitted to the Secretary of the Admiralty.

XXII. And be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial to be held as aforesaid, do and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial, to the Secretary of the Admiralty for the Time being; which original Proceedings and Sentence shall be by him carefully kept and preserved in the Office of the Admiralty of *Great Britain* and *Ireland*, to the end that the Persons entitled thereto may be enabled, upon Application to the said Office, to obtain Copies thereof according to the true Intent and Meaning of this Act.

None to be tried a Second Time for the same Offence unless in case of Appeal.

XXIII. Provided always, and be it further enacted, That no Marine, either Officer or Private Man, being acquitted or convicted of any Offence at any such Court-martial as aforesaid, shall be liable to be tried a Second Time, by the same or any other Court-martial, for the same Offence, unless in the Case of an Appeal from a Divisional to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, be liable to be revised more than once.

Persons offending beyond Seas, &c. may be tried here.

XXIV. And be it further enacted, That if any Officer or Private Man in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, shall commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall escape and come or be brought into this Realm before he be tried by a Court-martial for such Offence, and shall be apprehended for

for the same, such Officer or Private Man shall be tried for the same as if the same Offence had been committed within this Realm.

Not to exempt any on Shore from ordinary Process.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to exempt any Royal Marine, either Officer or Private Man, whatsoever, while on Shore, from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable.

Persons acquitted, &c. by the Civil Magistrate.

XXVI. Provided also, and be it further enacted, That no Person or Persons, being acquitted or convicted of any Capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Persons committed for Criminal Offences not to receive Pay till they return to the Regiment, &c.

XXVII. And be it further enacted, That no Officer, Non-commissioned Officer, or Private Marine, who shall be arrested and committed to Prison upon a Charge of any Criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong, or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment during the Time of his Confinement, as well under the original Commitment as under any Commitment consequent upon such Conviction, and until the Day of his Return to the Company to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the said Lord High Admiral or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Private Marine, during any such Commitment or Imprisonment, or either of them, or any Part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Private Marine, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Imprisonment, or after the Discharge of such Officer, Non-commissioned Officer, or Private Marine, after Conviction or otherwise, as shall appear to the said Lord High Admiral or the said Commissioners to be proper; and the Order of the said Lord High Admiral or any Two of the said Commissioners for the Payment of such Pay or Arrears shall be a sufficient Discharge for such Payment.

Persons accused of Capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

XXVIII. And be it further enacted, That if any Marine Officer, Non-commissioned Officer, or Private Man shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer or Officers of every Company or Party is and are hereby required to use his and their utmost Endeavours to deliver over such accused Person to the Civil Magistrate, and shall be also aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender,

Penalty for Refusal.

Offender, in order to bring him to Trial; and if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in apprehending such Offender, every such Officer so offending, and being thereof convicted before any Two or more Justices of the Peace for the County where the Offence is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial.

Constables, &c. to quarter Officers and Men in Inns, Alehouses, &c.

XXIX. And whereas there is and may be Occasion for the marching and quartering of the said Royal Marine Forces in several Parts of this Kingdom; be it further enacted, That for and during the Continuance of this Act, and no longer, (in pursuance of an Order or Orders in Writing in that Behalf, under the Hand of the said Lord High Admiral, or under the Hands of Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being,) it shall and may be lawful to and for the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within *England* and *Wales*, and the Town of *Berwick-upon-Tweed*, and, in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others, and such Constables and other Chief Magistrates as aforesaid are hereby required to quarter and billet the Marines, both Officers and Private Men, in His Majesty's Service, in Inns, Livery Stables, Alehouses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses or Places thereunto belonging, and all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin by Retail, to be drank in their own Houses, other than and except Canteens held and occupied under the Authority of the Commissioners for the Affairs of Barracks, or of the Department of the Ordnance, or of the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and other than and except the House or Houses of any Distillers who keep Houses or Places for distilling Brandy or Strong Waters, and the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters (so as such Distillers and Shopkeepers do not permit or suffer Tippling in his or their Houses), and in no other, and in no private Houses whatsoever without the Consent of the Occupier; nor shall any more Billets at any Time be ordered than there are effective Royal Marines present to be quartered; and if any Constable, Tithingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Private Man in any such private House, without the Consent of the Occupier, in such Case such Occupier shall have his or her Remedy at Law against such Magistrate or Officer for the Damages that such Occupier shall sustain thereby; and if any

but in no Distillers or Shopkeepers Houses, or in any private Houses.

Marine Officer shall take upon him to quarter Private Men otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to any Mayors, Constables, or other Civil Officers before mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed, such Marine Officer shall for every such Offence, being thereof convicted before any Two or more of the next Justices of the Peace of the County where the Offence shall be committed, by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace of the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial; and in case any Person shall find himself aggrieved, in that such Constable, Tithingman, or Headborough, Chief Officer or Magistrate (such Chief Officer or Magistrate not being a Justice of the Peace), has quartered or billetted in his House a greater Number of Royal Marines than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Royal Marines are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justice or Justices respectively shall have, and is or are hereby declared to have, Power to relieve such Person, by ordering such and so many of the said Royal Marines to be removed, and quartered upon such other Person or Persons as they shall see Cause; and such other Person or Persons shall be obliged to receive such Royal Marines accordingly.

Penalty on Officers quartering Men contrary to this Act, &c.

Persons aggrieved by being quartered on may complain to any Justice, and be relieved.

XXX. And be it further enacted, That if any High Constable, Constable, Beadle, or other Officer or Person whomsoever, who by virtue or colour of this Act shall quarter or billet, or be employed in quartering or billetting, any Marine Officers or Private Men, shall neglect or refuse for the Space of Two Hours to quarter or billet such Officers or Marines, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Forces; or shall receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse, any Person or Persons whomsoever from quartering or receiving into his, her, or their House or Houses any such Officer or Marine; or in case any Victualler, or any other Person liable by this Act to have any Officer or Marine billetted or quartered on him or her, shall refuse to receive or to afford proper Accommodation to or to victual any such Officer or Marine so quartered or billetted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein respectively directed to be furnished or allowed to Non-commissioned Officers or Marines so quartered or billetted upon him or her as aforesaid, at the Rate which is or shall be established by any Act or Acts in force in that Behalf, and shall be thereof convicted before any One or more Justice or Justices of the Peace of the County, City, or Liberty within which such Offence shall be committed,

Penalty on Constables, &c. neglecting to quarter Marines;

or taking Money to excuse any Person from quartering; and on Victuallers refusing to receive Marines.

mitted, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby empowered to administer), every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit for every such Offence the Sum of Five Pounds, or any Sum not exceeding Five Pounds nor less than Forty Shillings, as the said Justice or Justices, before whom the Matter shall be heard, shall in his or their Discretion think fit; to be levied by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within the County, City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; and the said Sum of Five Pounds, or the said Sum not exceeding Five Pounds nor less than Forty Shillings, when levied, shall be paid to the Overseers of the Poor of the Parish where the Offence shall be committed, or to some one of them, for the Use of the Poor of such Parish.

Justices may order Constables to give an Account of the Number of Officers and Private Men, and where quartered.

XXXI. And for the better preventing Abuses in quartering or billetting the Royal Marines in pursuance of this Act, be it further enacted, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace within their respective Counties, Cities, or Liberties, by Warrant or Order under his or their Hand and Seal or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officer or Person, who shall quarter or billet any Royal Marines in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices requiring the same, of the Number of Officers and Private Men who shall be quartered or billetted by them, and also the Names of the Housekeepers or Persons upon whom every such Officer or Private Man shall be quartered or billetted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses, to the end it may appear to the said Justice or Justices where such Officers and Private Men are quartered or billetted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billetting of them.

Marines not to be billetted above One Mile from the Place mentioned in the Route.

XXXII. And as very great Detriment and Inconvenience arise to the Service from the dispersing and billetting of Marines, when on a March, at a great Distance from the Place or Places where they are meant to be quartered, by reason of which they are placed wide of their intended Route for the next Day's March; be it therefore enacted, That at no Time when Marines are on a March shall any of them be billetted above One Mile from the Place or Places mentioned in the Route.

Officers and Marines to pay Rates for their Provisions.

XXXIII. And be it further enacted, That the Marine Officers and Private Men so quartered and billetted as aforesaid shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouse, Victualling-houses, and the Houses

Houses of Sellers of Wine by Retail, to be drank in their own Houses or Places thereunto belonging, and other Houses in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

If Innholders refuse to furnish the Men quartered on them with Meat, they shall allow them Candles, Small Beer, &c. gratis.

XXXIV. Provided always, and be it enacted, That in case any Innholders, or other Persons on whom any Non-commissioned Officers or Private Men shall be quartered by virtue of this Act, (except on a March or employed in recruiting, and likewise except the Recruits by them raised, for the Space of Seven Days at most for such Non-commissioned Officers and Private Men who are recruiting, and Recruits by them raised,) shall be desirous to furnish such Non-commissioned Officers and Private Men with Candles, Vinegar, and Salt, and with either Small Beer or Cider, not exceeding Five Pints for each Man *per Diem, gratis*, and allow to such Non-commissioned Officers or Private Men the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly, then and in such Case the Non-commissioned Officers and Private Men so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of such Non-commissioned Officers and Private Men, shall pay the several Sums that are or shall be established by any Act or Acts in force in that Behalf to the Non-commissioned Officers and Private Men aforesaid, and not to the Innholder or other Person on whom such Non-commissioned Officers and Private Men are quartered; any thing herein contained to the *contrary notwithstanding*.

Commanding Officer may exchange Marines in their Quarters;

and the Constables to billet the same accordingly.

XXXV. And whereas it may be for the Benefit of the Service for the Commanding Officer to have Power to exchange the Billets or Quarters of Marines quartered in the same Town or Place; be it therefore enacted, That the Commanding Officer of Royal Marines, in any Town or Place where such Marine Forces are quartered, shall and he is hereby declared to have Power from Time to Time to exchange any Marine or Marines quartered in such Town or Place, for any other Marine or Marines quartered in the same Town or Place, provided the Number of Men do not exceed the Number at that Time billetted on such Houses respectively where such Men shall be exchanged; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places, where any of the said Royal Marine Forces shall be quartered, are hereby required to billet such Men so exchanged accordingly.

Penalty on taking Money to excuse any Person from quartering.

XXXVI. And be it further enacted, That if any Marine Officer shall take or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Private Men, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

XXXVII. And

Officers to give Notice to Innkeepers of Subsistence-money in their Hands, &c.

XXXVII. And that the Quarters both of the said Marine Officers and Private Men, while on Shore as aforesaid, may during the Continuance of this Act be duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, every Officer or other Person to whom it belongs to receive or that shall actually receive the Pay or Subsistence-money for one or more particular Company or Companies of the said Royal Marine Forces, or otherwise, shall immediately upon each Receipt of every particular Sum which shall from Time to Time be paid, return, or come to his or their Hands on account of Pay or Subsistence, give public Notice thereof to all Persons keeping Inns, or other Places where Officers or Private Men are quartered by virtue of this Act; and shall also appoint the said Innkeepers and others to repair to their Quarters at such Times as they shall appoint for the Distribution and Payment of the said Pay or Subsistence-money to such Officers or Private Men, which shall be within Four Days at the farthest after the Receipt of the same as aforesaid; and the said Innkeepers and others shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Private Men so quartered in their respective Houses; which Accounts the said Officer or Officers is or are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed either to the Officers or Private Men; and if any Officer or Officers as aforesaid shall not give Notice as aforesaid, and shall not immediately upon producing such Account stated, satisfy, content, and pay the same, upon Complaint on Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City wherein such Quarters were (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer), the Paymaster or Person for the Time being authorized to pay the said Royal Marine Forces is hereby required and authorized (upon Certificate of the said Justices before whom such Complaint on Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to pay and satisfy the said Sums out of the Arrears due to the said Marine Officer or Officers, upon pain that such Paymaster or Person shall forfeit their respective Place or Places of Paymaster or otherwise, and be discharged from holding the same for the future; and in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster, or Person for the Time being authorized to pay the said Royal Marine Forces, is hereby authorized and required to deduct the Sums he shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Company to which such Officer or Officers shall belong; and such Officer or Officers shall for such their Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken and are hereby declared to be *ipso facto* cashiered.

On moving from Quarters, the Officer to make

XXXVIII. And where it may happen that the Subsistence-money due to any Marine Officer or Private Man shall, by occasion of any Accident, not be paid to such Officer or Private Man, or such Officer

or Private Man shall neglect to pay the same, so that Quarters cannot be or are not paid as this Act directs; in every such Case it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters where such Company shall remain for any Time whatsoever, make up the Accounts as this Act directs with every Person with whom such Company shall have quartered, and sign a Certificate thereof, and give the said Certificate so by him signed to the Party to whom such Money is due, with the Name of such Company to which he or they shall belong, to the end the said Certificate may be forthwith transmitted to the proper Paymaster of the Royal Marines, who is hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the end the same may be applied to such Company, under Pain as is before in this Act directed for Nonpayment of Quarters.

up Accounts, and give Certificates for Money due.

Paymaster to pay the Sum certified for.

XXXIX. And be it enacted, That it shall and may be lawful to quarter Officers and Private Men of His Majesty's Royal Marine Forces in *Scotland* in such and the like Places and Houses as Officers and Private Men of the Land Forces might have been quartered in by the Laws in force in *Scotland* at the Time of the Union; and that the Possessors of such Houses shall only be liable to furnish the said Marine Officers and Private Men quartered there as by the said Laws in force at the Time of the Union was provided with respect to the Officers and Private Men of the Land Forces; and that no such Marine Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

Officers, &c. to be quartered in Scotland as the Laws in force at the Union direct.

XL. And be it further enacted, That it shall and may be lawful to quarter Officers and Marines in *Ireland* in such and the like Places and Houses as they might have been quartered in by the Laws in force in *Ireland* at the Time of its Union with *Great Britain*, and that the Possessors of such Houses shall only be liable to furnish the said Officers and Marines quartered there as by the said Laws in force at the Time of the said Union was provided; and that if any Person in *Ireland* liable to have Officers and Marines quartered and billetted on him, shall refuse to receive or victual any such Officer or Marine so quartered and billetted upon him or her as aforesaid, or shall refuse to furnish any such Officer or Marine so quartered or billetted in such Manner as by the said Laws in force in *Ireland* at the Time of the said Union was provided, every such Person so refusing shall be subject and liable to all such Penalties as any Person so refusing was liable to under or by virtue of any Laws in force in *Ireland* at the Time of the said Union.

Officers, &c. to be quartered in Ireland as the Laws in force at the Union direct.

XLI. Provided always, and be it further enacted, That it shall not be lawful to quarter or billet, in any Part of the United Kingdom, any Officer or Marine upon or in the House or Residence of any Foreign Consul duly accredited as such; any thing in this Act, or in any Act or Acts, or Law or Custom, to the contrary notwithstanding.

No Officer, &c. to be quartered on any Foreign Consul.

XLII. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, or any Two Magistrates, within their respective

Justices may grant or transfer

Licences for selling Ale, &c. to any Person authorized to hold Canteens, without regard to the Time of Year or the Notices required for granting such Licences:

respective Jurisdictions, to grant or transfer any Licence for selling Ale by retail, or Cider or Perry, to be drank or consumed in any House or Houses or Premises, where more Houses or Premises than one shall be held together by the same Person or Persons as a Canteen, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquor, by retail, to any Person or Persons applying for the same, who shall hold any Canteen under any Lease thereof, or any Agreement or other Authority from the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or from the Paymasters and Inspectors General of His Majesty's Royal Marine Forces, without regard to the Time of Year or any Notices or Certificates specified or required in relation to the applying for or granting any such Licences; any thing in any Act or Act to the contrary notwithstanding: And it shall also be lawful for His Majesty's Commissioners of Excise in *England*, *Ireland*, and *Scotland* respectively, or any Person appointed or employed by the said Commissioners in *England* or *Ireland* respectively in that Behalf, or for any Collectors or Supervisors of Excise within their respective Districts, and they are hereby required to grant Licences for selling Beer or Ale by retail, or Cider or Perry, to be drank or consumed in the Houses or Premises occupied as a Canteen of the Person or Persons applying for such Licence, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquors, by retail, to any such Person or Persons who shall hold any such Canteen under any such Licence or Transfer of any such Licence of any Justice or Magistrate as aforesaid; and it shall also be lawful for any Person or Persons holding any such Canteen under any such Lease, Agreement, or Authority as aforesaid, and having such Licences as aforesaid, to keep such Canteen, and to utter and sell therein, and in the Premises thereto belonging, and not elsewhere, Victuals and all such exciseable Liquors as he and they shall be licensed and empowered to sell under the Authority and Permission of any such Excise Licence as aforesaid, without being subject to any Penalty or Forfeiture; any thing in any Act or Acts to the contrary notwithstanding.

And the Commissioners of Excise are required to grant Licences to such Persons.

Any Justice may summon Marines having Wife or Children to make Oath of their last Settlement.

XLIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace for the County, Town, or Place where any Non-commissioned Officer or Private Marine shall be quartered in that Part of *Great Britain* called *England*, in case such Non-commissioned Officer or Private Marine have either Wife or Child or Children, to cause such Non-commissioned Officer or Private Marine to be summoned before him in the Town or Place where such Non-commissioned Officer or Private Marine shall be quartered, in order to make Oath of the Place of his last legal Settlement (which Oath the said Justice is hereby empowered to administer); and such Non-commissioned Officer or Private Marine as aforesaid is hereby directed to obey such Summons, and to make Oath accordingly; and such Justice is hereby required to take the Examination of such Non-commissioned Officer or Private Marine in Writing, and to give an attested Copy of the Examination so taken before him to the Person so examined, to be by him delivered to his Commanding Officer, in order to be produced when required; which said Examination and such

such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Sessions of the Peace, although such Non-commissioned Officer or Private Marine be dead or absent from the Kingdom: Provided always, that in case any Non-commissioned Officer or Private Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced by him or by any other Person on his Behalf, such Non-commissioned Officer or Private Marine shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Justices may order Constables to provide Carriages for the Marine Forces on their Marches.

XLIV. And be it further enacted, That for the better and more regular Provision of Carriages for His Majesty's Royal Marine Forces on their Marches, or for their Arms, Clothes, and Accoutrements, in *England, Wales,* and the Town of *Berwick-upon-Tweed,* all Justices of the Peace within the several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, by an Order in Writing under his or their respective Hand or Hands, shall, as often as such Order shall be brought and shewn unto One or more such Justice or Justices by the Officer or Officers of the Company or Companies of Royal Marines so ordered to march, issue out his or their Warrant or Warrants to the High Constable or Petty Constable of the Division, Riding, City, Liberty, Hundred, or Precinct, from, through, near, or to which such Company or Companies shall be ordered to march, for each of which Warrants a Fee of One Shilling only shall be paid, requiring them to make such Provision for Carriages, with able Men to drive the same, as shall be mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen; and in case sufficient Carriages cannot be provided within any such Riding, City, Liberty, Hundred, Division, or Precinct, then the next Justice or Justices of the Peace for the County, Riding, or Division shall, upon such Order as aforesaid being brought or shewn to One or more of them by any of the Marine Officers aforesaid, issue his or their Warrant or Warrants to the High Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct, for the Purposes aforesaid, to make up such Deficiency; and the aforesaid Officer or Officers who, by virtue of the aforesaid Warrant or Warrants from such Justice or Justices of the Peace, is or are to demand the Carriage or Carriages therein mentioned of the High Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the respective Sums herein-after mentioned, for which respective Sums so received the said Constable or Petty Constable is hereby required to give a Receipt in Writing to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having Carriages within their respective Liberties, as they shall

shall think proper, to provide and furnish such Carriages and Horses and Oxen and Men according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly; and no Person owning or driving, or causing to be driven, any such Waggon, Wain, Cart, or other Carriage, shall be subject to any Penalty or Forfeiture, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner of any such Waggon, Wain, Cart, or other Carriage, to put any additional Number of Horses or Oxen to those prescribed or paid for under this Act; any thing in any Act or Acts relating to Highways or Turnpike Roads, or any particular Highway or Road, to the contrary notwithstanding; and if any Marine Officer or Officers, for the Use of whose Company or Companies the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage to travel more than One Day's Journey, or shall not discharge the same in due Time for their Return Home, or shall suffer any Marine or Servant (except such as are sick), or any Woman, to ride in the Waggon, Wain, Cart, or Carriage aforesaid, or shall force any Constable or Petty Constable, by threatening or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners, by themselves, Servants, or Private Men; every such Officer for every such Offence shall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace for the County or Riding where the Offence shall be committed, who are to certify the same to the proper Paymaster of His Majesty's Royal Marine Forces, who is hereby required to pay the aforesaid Sum of Five Pounds, according to any Order and Appointment under the Hands and Seals of the Justices of the Peace, and is also hereby empowered to deduct the same out of such Officer's Pay.

Waggons, &c. not to be stopped on account of Weight or Number of Horses.

Penalty on Officer forcing Waggons to travel more than One Day's Journey, &c.

Rates of Carriage.

XLV. And be it further enacted, That the Sums to be paid into the Hands of such Constable or Petty Constable in *England*, *Wales*, and *Berwick-upon-Tweed*, shall be according to the following Rates; that is to say, The Sum of One Shilling for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or Four Oxen with Two Horses, shall travel; and the Sum of Nine-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and the Sum of Sixpence for every Mile any Waggon with narrow Wheels, or any Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; or any further Sum not exceeding Four-pence for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or with Four Oxen and Two Horses, shall travel; and not exceeding Three-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and not exceeding Two-pence for every Mile any Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; such further Sum of Four-pence, Three-pence, or Two-pence respectively, or such Proportion of those Rates as may be deemed fair and reasonable, to be fixed and ordered by the Justices

of the Peace for any County or District, assembled at any General Sessions of the Peace for such County or District, the said Justices having regard to the Price of Hay and Oats, and specifying in their Order the Average Price thereof at the nearest Market Town at the Time of fixing such additional Rates: Provided always, that in Cases where the Day's March shall exceed Fifteen Miles, such further Compensation shall be made and paid in like Manner to the Owners of the said Carriages, for the Excess beyond the said Fifteen Miles, as shall be deemed reasonable by the Magistrates who granted the Warrant for impressing them, not exceeding the usual Rate and Hire of such Carriages; and every Order of the Justices assembled at any General Sessions of the Peace, fixing a further Sum to be paid for the Hire of Carriages as aforesaid, in addition to the customary Rates of One Shilling and Nine-pence and Sixpence *per* Mile respectively, shall specify the Period for which the same shall be in force, and which shall not in any Case exceed Ten Days beyond the General Sessions of the Peace for such County or District next ensuing the Date of such Order; and a Copy of every such Order, signed by the Chairman or presiding Magistrate and One other Justice of the Peace or Magistrate at the Quarter Sessions at which the same shall be made, shall within Three Days after the making thereof be transmitted to the Secretary of the Admiralty; and no such Order shall be valid or effectual unless a Copy thereof be so signed and transmitted as aforesaid: Provided also, that in every Case of any further Sum being allowed as aforesaid for the Hire of any Carriage, the Justice of the Peace granting or signing such Warrant shall insert in his own Hand the Amount of such further Sum for each Description of Carriage, as so authorized by the Justices at the Quarter Sessions as aforesaid, and the Date of the Order of the said Justices; and such Warrant shall be given to the Officer or Non-commissioned Officer commanding the Regiment, Corps, Company, Detachment, or Party requiring such Carriages, as his Voucher for the Payment of such further Sum; and no further Sum shall be demanded but such as shall be so inserted by the Justice in the Warrant.

For providing Carriages at Places distant from the Residence of any Justice of the Peace.

XLVI. And whereas great Inconvenience often arises from there being no Justice of the Peace or Magistrate residing near to Places specified in Routes at which Royal Marines are to halt and be billetted and quartered on the March, to issue Warrants for providing of Carriages; for Remedy whereof be it enacted, That it shall be lawful for any Constable, Tithingman, or Headborough, duly authorized for that Purpose by Warrant under the Hand and Seal of any Justice or Justices of the Peace residing nearest to such Place or Places, to make and give Orders for the providing of Carriages for the Baggage of Royal Marines on March, and to appoint Persons having Carriages within their respective Liberties or Jurisdictions to provide and furnish such Carriages, without having any special or particular Warrant for that Purpose; and all such Orders and Appointments shall be and be deemed to be as valid and effectual in all Respects and to all Intents and Purposes as if the same had been made and given by the Justice or Justices of the Peace having such Authority: Provided always, that every such Justice of the Peace shall, at the Time of giving such Warrant and Authority, and thereafter

Lists to be made out of Persons liable

to furnish Carriages, and all Orders to be made therefrom in Rotation.

after Once in each Year, or oftener if necessary, cause a List or Lists to be made out of all Persons liable to furnish such Carriages under such Warrant, and of the Number and Description of Carriages belonging respectively to the Persons so liable to be required to furnish Carriages for Baggage or for Troops on the March; and such Lists shall, at all seasonable Hours, be open to the Inspection of all Persons whose Names shall be inserted therein; and all Orders and Appointments for such Carriages shall be made and taken from such Lists in regular Rotation as far as the same can be done, so as that the providing such Carriages shall be equally distributed among the several Persons liable to furnish the same under the Provisions of this Act.

Penalty on Constables, &c. for Neglect.

XLVII. And be it enacted, That if any High Constable or Petty Constable shall wilfully neglect or refuse to execute any such Warrant of the said Justice or Justices of the Peace as shall be directed unto such Constable or Petty Constable, for providing Carriages as aforesaid; or shall demand or receive for the Use of the Owners furnishing such Waggons, Wains, Carts, or Carriages, more than the accustomed Rates *per* Mile, of One Shilling, Nine-pence, or Sixpence, according to the Size of the respective Carriages as aforesaid, unless any further Sums, not exceeding the Amount hereinbefore specified, shall have been previously fixed and ordered by the Justices at any General Sessions of the Peace assembled as aforesaid; or if any Person or Persons appointed by such Constable or Petty Constable, to provide and furnish any Carriage and Man, shall refuse or neglect to provide the same; or any other Person or Persons whomsoever shall wilfully do any Act or Thing whereby the Execution of any such Warrant or Warrants shall be hindered or frustrated, every such Constable, or other Person or Persons so offending, shall for every such Offence forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to the Use of the Poor of such Parish or Parishes adjoining to the Parish where any such Offence shall be committed, as shall be fixed upon by the Justice or Justices by whom such Offence shall be inquired of, heard, and determined; and all and every such Offence and Offences shall be inquired of, heard, and fully determined by Two of His Majesty's Justices of the Peace dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner.

Officers and Marines, &c. and Carriages employed in His Majesty's Service, exempted from Payment of Toll.

XLVIII. And whereas in consequence of certain Exemptions from Tolls expressly allowed by several Acts for His Majesty's Forces on their March or on Duty, and for the Horses and Carriages attending them, Doubts have arisen whether in all Cases not so exempted the Officers and Marines, and the Carriages and Horses, Boats, Barges, and other Vessels belonging to His Majesty, or employed in His Service, and returning therefrom, may not be charged with the Payment of Tolls; therefore, for obviating such Doubts, it is hereby enacted and declared, That all His Majesty's Officers and Marines, being in proper Uniform, and their Horses, on Duty or on their March, and all Carriages and Horses belonging to His Majesty,

or employed in His Service, and returning therefrom, and also all Boats, Barges, and other Vessels, belonging to His Majesty, or employed in His Service, when conveying the Officers, Marines, Servants, Women, Children, or other Persons of or belonging to His Majesty's Royal Marine Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Royal Marine Forces on their March, or returning therefrom, were and are and shall be exempted from Payment of any Duties and Tolls otherwise demandable by virtue of any Act already made or hereafter to be made for Persons, Horses, Carriages, or Vessels passing Turnpike Roads, Bridges, Rivers, Canals, or Locks, unless by such Act it has been or shall be expressly provided that the said Officers, Royal Marines, Carriages, Horses, and Vessels are and shall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken.

Treasurer of the County to repay the Constables extraordinary Charge.

XLIX. And whereas the respective Sums of Money by this Act appointed to be paid to the Constables, by the Officers demanding such Carriages, may not in many Cases be sufficient to answer the Charge and Expence of providing the same, whereby the said Constables may be frequently at great Charges, over and above what is received by them of the said Officers, to the great Burthen of the Townships in which they are respectively Constables, or else the Persons furnishing such Carriages may be grievously oppressed; to prevent which, and that such Overplus Charge may be borne by each County or Riding at the general Charge of such County or Riding, be it further enacted, That the Treasurer or Treasurers of each respective County or Riding shall, without Fee or Reward, pay unto such Constable all and every such reasonable Sum or Sums of Money so by him paid or laid out for such Carriages, over and above what was or ought to have been paid by the Marine Officer requiring such Carriages, out of the Public Stock of such County or Riding, according to such Rates, Orders, Rules, and Directions as the said Justices of the Peace in their Quarter Sessions assembled, within their respective Jurisdictions, shall from Time to Time during the Continuance of this Act make, direct, and appoint, (which Orders shall be made without Fee or Reward); Regard being always had to the Season of the Year, and the Length and Condition of the Roads through which such Carriages are to travel.

The Money for that Purpose how to be raised.

L. And in case the said Public Stock of the County or Riding be not sufficient (over and above the other Purposes for which it was raised) to satisfy the extraordinary Charge of Carriages before mentioned, it is hereby further enacted, That the said Justices of the Peace in the Quarter Sessions assembled shall have Power from Time to Time to raise Money upon the respective Counties or Ridings, in such Manner as they now raise Monies for building or repairing County Gaols and Bridges, to satisfy the said extraordinary Charges of Carriages.

No Waggon, &c. liable to carry above 20 Cwt.

LI. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage impressed by Authority of this Act shall be liable or obliged by virtue of this Act to carry above Twenty Hundred Weight; any thing in this Act contained to the contrary notwithstanding.

LII. And

Carriages in Scotland how to be provided.

LII. And be it further enacted, That the Carriages for the Service of the Royal Marine Forces quartered or marched in *Scotland* shall be provided in like Manner and at the Rates, and the Furnisher of such Carriages shall be paid as was directed by the Laws in force in *Scotland* at the Time of the Union, with regard to furnishing Carriages for Land Forces: Provided always, that a Cart with One or more Horses, for which the Furnisher shall demand or receive Nine-pence *per* Mile, shall be required to carry Fifteen Hundred Weight at the least.

Carts to carry 15 Cwt. at 9*d.* per Mile.

Carriages in Ireland how to be provided.

LIII. And be it further enacted, That the Carriages for the Service of the Royal Marine Forces from Time to Time quartered or marching in *Ireland* shall be provided in like Manner, at the Rates, and the Furnisher of such Carriages shall be paid as was directed by the Laws in force in *Ireland* at the Time of its Union with *Great Britain.*

Marines' Wives, &c. not to be quartered without Consent.

LIV. And be it further enacted, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall, at any Time during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants, of any Officer or Marine in any such Houses against the Consent of the Owners, the Party offending, if an Officer of the Royal Marines, shall, upon Complaint and Proof thereof made to the Commissioners for executing the Office of Lord High Admiral, or Judge Advocate, be *ipso facto* cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied by Warrant of such Justice by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges of taking the same.

Penalty.

Penalty on Officers destroying Game, &c.

LV. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That if from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, any Officer shall, without Leave first had and obtained from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Hare, Pheasant, Partridge, or any other Sort of Game, or any Fish, within the Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof, upon Oath of One or more credible Witness or Witnesses, shall be convicted before any Justice or Justices of the Peace, who is and are hereby empowered and authorized to hear and determine the same; every Officer so offending shall, for every such Offence, forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed.

Constables, &c. may apprehend Deserters, and carry them before a Justice, and transmit

LVI. And whereas several Marines, who being duly entered, may afterwards desert, and be found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place where any Person who may reasonably be suspected to be such a Deserter

Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, or if no such Constable, Headborough, or Tithingman can be immediately met with, then for any Marine Officer or Marine, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice of the Peace living in or near such Town or Place, and acting for the same or any adjoining County, who is hereby empowered and required to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or by Knowledge of such Justice of the Peace, it shall appear or be found that such suspected Person is a Marine duly entered, and ought to be with the Company to which he belongs, whether such Company shall be employed on board any of His Majesty's Ships or Vessels, or quartered on Shore, or employed on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty not being in Commission, or any Convict Hulk or Ship, such Justice of the Peace shall, without Fee or Reward to himself or his Clerk, forthwith cause him to be conveyed to the Gaol or the House of Correction or other public Prison in such Town or Place where such Deserter shall be so brought before such Justice of the Peace, or if there be no Gaol, House of Correction, or other public Prison in such Town or Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient Gaol, House of Correction, or other public Prison in the same or any next adjoining County, and transmit an Account thereof to the Secretary of the Admiralty for the Time being, with a Description of the Person of such Deserter, and the Name of the Division to which he may belong, to the end that he may be proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, shall receive such Subsistence-money, for the Maintenance of such Deserter during the Time he shall continue in his Custody, as shall from Time to Time be directed in that Behalf by the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, but shall not be entitled to any Fee or Reward on account of the Imprisonment of any such Deserter; any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that it shall be lawful for the said Lord High Admiral or the said Commissioners for the Time being, if they should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Non-commissioned Officer or Private Marine, during or after the Expiration of his Period of Imprisonment in any Gaol or House of Correction or other public Prison.

an Account to the Secretary of the Admiralty, &c.

Gaol Keeper to receive the Subsistence of Deserters.

LVII. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserter, be it further enacted, That in the Case of every Deserter apprehended in *Great Britain* or *Ireland*, the Secretary of the Admiralty, upon receiving from the Justice of the Peace, or other Civil Magistrate by whom the Deserter shall have been committed, a Report stating the Name or Names of the Person or Persons by whom the Deserter was apprehended and secured, which Report such Magistrate is hereby required to give, shall transmit to such Magistrate an Order upon

Reward for taking up Deserters.

the Paymaster of the Royal Marines for the Payment of the Sum of Twenty Shillings to the Person or Persons so reported by the Magistrate, the Amount of which Reward shall be paid by the said Paymaster and charged against the Pay and Subsistence of every such Deserter, and shall be stopped and retained out of his Pay and Subsistence accordingly; provided always, that this Reward shall only be given in Cases in which the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall be satisfied that such Person or Persons is or are justly entitled to the same, according to the true Intent and Meaning of this Act.

Persons confessing themselves to be Deserters, to be deemed duly enlisted.

LVIII. And be it further enacted, That any Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended for Desertion or any other Offence, shall, in the Presence of the Magistrate, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve, whether such Person shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall be serving at the Time in the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Penalty on Persons concealing Deserters, &c.

LIX. Provided always, and be it enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, the Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace, the said Penalty of Twenty Pounds shall be levied, by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, and shall be credited by such Paymaster in his Public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such Deserter, shall not have sufficient Goods and Chattels whereon Distress may be made, to the Value of the Penalty awarded against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Six Months.

Reward for apprehending Marines attempting to desert.

LX. And whereas it has been judged expedient, for the Prevention of Desertion, to establish Outlying Parties in the Vicinity of the respective Divisions, for the Purpose of intercepting such Men as may straggle or attempt to desert from Head Quarters, and it is fit that Encouragement should be given to Persons composing such

Parties

Parties to be diligent and active in their Duty in this Behalf; be it therefore enacted, That, for and in respect of every Non-commissioned Officer or Private Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Non-commissioned Officer and Private Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped and retained out of the Pay and Subsistence of every Deserter; any thing herein contained to the contrary in anywise notwithstanding.

Recruits discharged before Expiration of 24 Hours after Enlistment, not to be proceeded against as Deserters.

LXI. And whereas many Justices and Chief Magistrates have erroneously discharged Recruits before the Expiration of Twenty-four Hours after the Time of their Enlistment: And whereas such Recruits are in consequence liable to be treated as Deserters through such Error of the Justice or Chief Magistrate, and without any evil Intention on their own Part; be it therefore enacted, That no such Recruit, who shall have been so erroneously discharged by a Justice or Chief Magistrate previous to the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, shall be liable on that Account to be proceeded against as having absconded or deserted from His Majesty's Service.

Penalty on Persons receiving the Arms, Clothes, &c. of Deserters, &c.

LXII. And be it further enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, from any Marine, or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or any such Articles belonging to any Marine, or Marine Deserter, as are generally deemed Regimental Necessaries according to the Custom of the Royal Marine Corps (being provided for the Marine, and paid for by the Deductions out of his Pay), or cause the Colour of such Clothes to be changed, every such Person so offending shall forfeit for every such Offence the Sum of Ten Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses before any One or more of His Majesty's Justices of the Peace, the said Penalty shall be levied, by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety thereof to be paid to the Informer, if not a Soldier or Marine, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, who shall report the same to the Secretary of the Admiralty, and credit the same in his Public Accounts; and in every Case in which the Informer shall be a Soldier or a Marine, the Moiety of the said Penalties shall be paid to the Secretary of the Admiralty, and shall be applied as a Fund for the Payment of the Costs, Charges, and Expences of proceeding for the Recovery of such Penalties, in Cases in which no sufficient Goods and Chattels shall be found, whereby such Penalties and Costs can be levied by Distress and Sale as aforesaid; and a Report of such Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justices of the

the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be so convicted, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty recovered against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice or Justices of the Peace shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice or Justices.

False Oaths Perjury.

LXIII. And be it further enacted, That any Person taking a false Oath, in any Case wherein an Oath is required to be taken or authorized to be administered by this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted, shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Furlough may be extended in case of Sickness, &c.

LXIV. And whereas Marines absent on Furlough granted them by their Commanding Officers are sometimes prevented by Sickness or other unavoidable Casualty from returning to their Duty before the Expiration of the Time limited by such Furlough; and Doubts have arisen whether in such Cases the Extension of a Marine's Furlough by a Justice of the Peace be sanctioned by legal Authority, and effectual for preventing such Marine from being apprehended upon Suspicion of his having deserted; be it further enacted, That any Inspecting Field Officer, stationed on the Recruiting Service, or any Officer of the Rank of Captain, or of superior Rank, or any Adjutant of Local Militia within the District; or in case there be no such Officer as aforesaid within a convenient Distance, then any Justice of the Peace may and he is hereby authorized to grant in Writing under his Hand an Extension of Furlough to any Non-commissioned Officer or Private Marine applying for the same, on account of Sickness or other Casualty which shall on due Inquiry appear to render such Extension necessary; and that every such Officer or Justice of the Peace, who shall grant to any Non-commissioned Officer or Private Marine an Extension of Furlough as aforesaid, shall immediately certify the same, with the Cause of its being so granted, to the Secretary of the Admiralty, and the Commandant of the Division to which the said Marine may belong; and that such Non-commissioned Officer or Private Marine, during the Period to which his Furlough shall have been so extended as aforesaid, shall not be liable to be apprehended or otherwise molested on the Ground of his having deserted, or of criminally absenting himself from his Division: Provided always, that nothing in this Act contained shall be construed to exempt any Non-commissioned Officer or Private Marine, whose Furlough shall have been so extended as aforesaid, from being proceeded against and punished according to the Provisions of this Act, should it thereafter appear that such Non-commissioned Officer or Private Marine had obtained the Extension of his Furlough by false Representation made to such Officer or Justice of the Peace as aforesaid, or, in applying for and obtaining the same, had committed any Offence to

the Prejudice of good Order and Military Discipline: Provided also, that no such Furlough shall be extended by any such Officer or Justice of the Peace for any longer Period than One Month, unless with the Approbation of the General Officer commanding the District where such Marine shall be.

Order to be made for Pay due for the Period of the extended Furlough.

LXV. Provided always, and be it further enacted, That in all Cases in which any Extension of Furlough shall be granted as aforesaid in *England*, and upon the Request of any such Non-commissioned Officer or Private Marine to whom the same shall be granted, it shall be lawful for the Justice of the Peace granting the same, or where the same shall be granted by any such Officer as aforesaid, for any Justice of the Peace, upon the Production of a Certificate in Writing from such Officer, which he is hereby required to give, to make an Order in Writing, in the Form in the Schedule to this Act annexed, marked (D.), under his Hand, upon the Churchwardens and Overseers of the Poor of the Parish, Township, or Place wherein such Non-commissioned Officer or Private Marine shall reside, requiring them to pay to such Non-commissioned Officer or Private Marine any Sum of Money directed in such Order, not exceeding Two Thirds of his Daily Pay; such Justice of the Peace taking particular Care to state upon the Furlough, in Words, to the Amount so directed by him to be paid, and the Periods from and to which the same has been ordered to be issued, both inclusive, corroborating the Statement of his Signature, and further specifying upon the Order to the Parish Officer of the Date of the Furlough originally granted, and the Name of the Commanding Officer by whom signed; and the same so authorized shall be paid accordingly, upon Production and Delivery to him of such Order, by any such Parish Officer, out of any Money in his Hands applicable for the Relief of the Poor; and the same so advanced by such Parish Officer shall, upon the Production and Delivery of such Order to the Collector of Excise of the District within which such Parish, Township, or Place shall be situated, or any Person officiating for such Collector, be repaid to such Parish Officer, to be applied to the Relief of the Poor, by such Collector of Excise or other Person, out of any Public Monies in his Hands, and the same shall be allowed in his Accounts; and such Orders of Justices shall be taken as Cash in the Payment of Duties of Excise received by him; and all Sums of Money so advanced out of any Duties of Excise shall be repaid to the Account of the said Duties by the Paymaster of the Royal Marines to any Person or Persons authorized by the Commissioners of Excise in *England*, or any Three or more of them, to draw for and receive the same: Provided always, that if any Justice of the Peace shall not think fit to make such Order for paying any such Money as aforesaid, he shall state his Reasons for such Refusal in Writing at the Back of the Furlough.

His Majesty may make further Orders respecting such Payments.

LXVI. Provided also, and be it further enacted, That it shall be lawful for His Majesty to make any such further or other Regulations for the advancing of any such Sums of Money in all such Cases of Extension of Furlough, and for the Reimbursement thereof, as may be from Time to Time necessary for the carrying the same into Effect, and insuring the immediate Advance of such Money, where necessary,

in *Great Britain* or *Ireland*, and the due and regular Reimbursements thereof.

Penalty for persuading Marines to desert.

LXVII. And be it further enacted, That if any Person or Persons shall in any Part of His Majesty's Dominions directly or indirectly persuade, aid, assist, or procure any Marine in the Service of His Majesty, His Heirs or Successors, to desert or leave such Service, and being thereof lawfully convicted, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall judge.

Offences against former Acts may be inquired of and punished as under this Act;

LXVIII. And, in order to prevent all Doubts which may arise in relation to punishing Offences committed against former Acts made for the Regulation of the Royal Marine Forces while on Shore, be it enacted, That all Crimes and Offences which have been committed against any of the former Acts in that Behalf, shall and may, during the Continuance of this present Act, be inquired of, heard, tried, and determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this present Act may be inquired of, heard, tried, and determined, adjudged, and punished.

if committed within Three Years, except for Desertion.

LXIX. Provided always, That no Person shall be liable to be tried or punished for any Offence committed against any of the said former Acts, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial; only for the Offence of Desertion.

No Volunteer liable to Process unless for some criminal Matter, or unless for a Debt of 20*l*.

LXX. And to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Marines, whereby His Majesty and the Public may be deprived of their Service, it is hereby further enacted, That no Person whatsoever who is entered or shall enter himself as a Volunteer in His Majesty's Service as a Marine, during the Continuance of this Act, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless for a real Debt, or other just Cause of Action, and unless before the taking out of such Process or Execution (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record or other Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be issued out, amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of such Process or Writ, for which Memorandum or Oath no Fee shall be taken; and if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or Judges

of such Courts, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties or otherwise, and by Warrant under his or their Hands and Seals to discharge such Marine so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that such Marine so arrested was legally listed as a Marine in His Majesty's Service, and arrested contrary to the Intent of this Act; and also to award to the Party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendants in the said Action.

Plaintiff giving Notice may file a common Appearance, and proceed to Judgment and Execution.

LXXI. And to the end that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entered as Marines in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion a great Expence and Delay to themselves, may be enabled to proceed in a more speedy and cheap Method; be it further enacted, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so entered, or left at his or their Place of Residence before such Entry, to file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, so as to entitle such Plaintiff to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than and against the Body or Bodies of him or them so entered as aforesaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

Marine while confined for Debt not to receive Pay.

LXXII. And be it further enacted, That from the passing of this Act no Marine, being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement until the Day of his Return to the Regiment or Company to which he shall belong.

Notice to be given to the Secretary of the Admiralty of the Expiration of the Imprisonment.

LXXIII. And be it further enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Marine, and liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice, or if there shall not be sufficient Time to give One Month's Notice, then a reasonable Notice, to the Secretary of the Admiralty before the Day on which the Imprisonment of such Person will expire, according to his Commitment or Sentence, of the Period of Expiration of such Imprisonment.

For Relief of Persons hastily enlisting themselves.

LXXIV. Provided always, and it is hereby enacted, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, when and as often as any Person or Persons shall be enlisted as a Marine or Marines in His Majesty's Service, he and they shall, within Four Days, but not sooner than Twenty-four Hours

Hours, after such Enlisting respectively, be carried or go with some Officer, Non-commissioned Officer or Private Marine belonging to the Recruiting Party by which he shall be enlisted, or with the Person employed on the Recruiting Service with whom he shall have enlisted, before some Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate, residing in or being next to or in the Vicinity of the Place where such Person or Persons shall have been enlisted, and not being an Officer of Royal Marines, and before such Justice or Chief Magistrate he or they shall be at liberty to declare his or their Dissent to such Enlisting; and upon such Declaration, and returning the Enlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, together with such full Rate allowed by Law for the Subsistence or Diet and Small Beer furnished to such Recruit subsequent to the Period of his having been enlisted, such Person or Persons so enlisted shall be forthwith discharged and set at liberty in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his or their Dissent, to return and pay such Money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; and if such Person or Persons shall declare his or their having voluntarily enlisted himself or themselves, then such Justice or Chief Magistrate shall, and he is hereby required forthwith to certify under his Hand that such Person or Persons is or are duly enlisted, setting forth the Place of the Birth, Age, and Calling of him or them respectively (if known), and that the Second and Third Sections of the Articles of War, for the better Government of His Majesty's Royal Marine Forces while on Shore, were read to him or them, and that he or they had taken the Oath of Fidelity mentioned in the Twelfth Section of the said Articles of War, and also the Oath mentioned in the Schedule to this Act annexed marked (A.), which Oaths respectively such Justice or Chief Magistrate is hereby authorized and required to administer; and if any such Person or Persons so to be certified as duly entered shall refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer from whom he has received such Money as aforesaid to detain or confine such Person or Persons until he or they shall take the Oath before required; and every Officer of Royal Marines that shall act contrary hereto, or offend herein, upon Proof on Oath made by Two Witnesses before a General Court-martial to be thereupon called, shall for such Offence be forthwith cashiered and displaced from such his Office, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service: Provided always, that every Non-commissioned Officer or Private Marine who shall enlist any Recruit shall, at the Time of such Enlisting, enquire the Christian and Surname and Place of Abode of such Recruit, and either take the same down in Writing, or give the same to the Non-commissioned Officer commanding the Recruiting Party, to be so taken down: Provided also, that it shall be lawful for any Justice of the Peace to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare

declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Marine belonging to the Recruiting Party, shall be with the Recruit, if it shall appear to such Magistrate, upon the Examination of such Recruit, or of any other Person, that the Recruiting Party have left the Place where such Recruit was enlisted, or that such Recruit could not procure any Non-commissioned Officer belonging to such Party to go with such Recruit before the Justice of the Peace; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice of the Peace, and paid when demanded to any Person belonging to the Recruiting Party entitled thereto demanding the same: Provided always, that in every Case wherein any Person shall have received Enlisting Money, and shall have absconded, or have absented himself from the Party aforesaid, so that it shall not be possible immediately to apprehend him, and bring him before a Magistrate, the Officer or Non-commissioned Officer commanding the Party shall produce to the Magistrate before whom the Recruit would regularly have been brought for Attestation, a Certificate of the Name and Place of Residence of such Person, and the Magistrate to whom the Certificate shall be produced shall, after satisfying himself that the Person who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Lords of the Admiralty or their Secretary, in order that in the Event of such Person being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded, may be ascertained before he be finally adjudged to be a Deserter as having duly enlisted.

Service to be to His Majesty's Heirs and Successors.

LXXV. And whereas it is highly expedient that no Doubt should remain as to the Service of Royal Marines by reason of any Omission of His Majesty's Heirs and Successors in any Oath of Attestation; be it therefore declared and enacted, That any Oath and Attestation of Service heretofore or hereafter taken and made to His Majesty is and shall be deemed and construed to be an Oath of Service to His Majesty's Heirs and Successors as the Sovereign of the Realm for the Time being, as fully and effectually, and to all Intents and Purposes whatsoever, as if the Words Heirs and Successors had been inserted in any such Oath or Attestation.

Persons receiving Enlisting Money absconding, or refusing to go before a Magistrate, shall be deemed enlisted.

LXXVI. And be it further enacted, That if any Person or Persons shall receive the Enlisting Money from any Officer (knowing it to be such), and shall abscond or refuse to go before such Justice or Chief Magistrate, or if any Person having received any such Enlisting Money as aforesaid shall thereafter absent himself from the Recruiting Party with which he enlisted, or Person with whom he enlisted, and shall not voluntarily return to such Recruiting Party or Person enlisting him, to go before some Justice of the Peace or Magistrate under the Provisions of this Act, within such Period of Four Days as aforesaid, such Person shall be deemed to be enlisted, and a Marine in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under

any Articles of War made for Punishment of Mutiny and Desertion; nor shall any such Person who shall not have remained with, or who shall not have returned to such Recruiting Party or Person enlisting him as aforesaid, be entitled to be discharged, or be discharged by any Justice of the Peace or Magistrate after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice of the Peace that the true Name and Residence of the Person enlisted was disclosed and known to the Recruiting Party, and that no Notice was given to the Person enlisted, or left at his last usual Place of Abode, of his having so enlisted.

Concealing Infirmity.

LXXVII. And be it further enacted, That if any Person who shall enlist into His Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service, by reason of any Infirmity which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Regular Forces, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by His Majesty, by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted; any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers or Marines, to the contrary notwithstanding.

Persons making false Representations in taking the Oath marked (A.) and obtaining Bounty, shall be deemed guilty of obtaining Money under false Pretences. 7 & 8 G. 4. c. 29. 26 G. 3. (I.)

LXXVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Form of Oath marked (A.) in the Schedule annexed to this Act, before the Justice of the Peace at the Time of his Attestation, for the Purpose of obtaining, and shall thereupon obtain any Enlisting Money, or any Bounty or Part of the Bounty, for enlisting into His Majesty's Royal Marines, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the last Session of Parliament, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny, and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of Money or Goods by false Pretences or Threats*; and the Production of such Oath, and Proof of the Justices Hand-writing thereto, shall, in any Prosecutions to be instituted against the enlisting Person or Recruit therein named, be sufficient Evidence of such Person having represented the several Particulars contained in such Oath at the Time of his being attested; and that Proof by the Oath of One or more credible Witness or Witnesses, that the Person so prosecuted hath freely and voluntarily declared or acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Corps or Regiment in His Majesty's Service, or to His Majesty's Royal Navy or Royal Marines, or that he was an Apprentice, shall be deemed and taken as sufficient Evidence of the Fact so by him declared or acknowledged,

without Production of any Roll or other Document to prove the same; and in case such Person shall be an Apprentice, or shall belong to the Militia, he shall, immediately after the Expiration of his Apprenticeship, or other sooner Determination of it, or at the Expiration of the Period of his Service in the Militia, whether he shall have been convicted and punished or not, be deemed duly enlisted, and be liable from thenceforth to serve as a Marine; and if, on the Expiration or other sooner Determination of his Apprenticeship, or at the Expiration of the Period of his Service in the Militia, he shall not deliver himself up to some Officer at the Head Quarters of one of the Divisions of His Majesty's Royal Marine Forces, or to some Royal Marine Officer authorized to receive Recruits, he shall be liable to be apprehended and dealt with as a Deserter from His Majesty's said Royal Marine Forces: Provided always, that every such Person belonging to the Militia shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in the Division of the Royal Marine Forces in which he shall have enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Division into which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Division.

Apprentices and Militia Men so obtaining Money shall be deemed to be enlisted as Marines.

Such Militia Men to serve in the Marines in the United Kingdom during the Time the Militia is disembodied.

LXXIX. Provided always, and be it further enacted, That it shall be lawful for any Two Justices of the Peace or Magistrate before whom any Person shall be brought who has enlisted, and who shall be proved upon Oath before them, and convicted of having wilfully concealed any Infirmity upon being attested, to adjudge such Person to be a Rogue and Vagabond, and such Person shall thereupon be subject to such Punishment as by and under any Statutes or Laws now in force may be inflicted upon Rogues, Vagabonds, and Vagrants and incorrigible Rogues, to be adjudged by the Justices of the Peace or Magistrates so convicting any such Person as aforesaid.

Penalty for Concealment of Infirmity.

LXXX. And be it further enacted, That no Master shall be entitled to claim any Apprentice who shall, after the passing of this Act, enlist as a Royal Marine in His Majesty's Service, unless such Apprentice shall have been bound to him in *England* for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace or Magistrate, and before such Justice of the Peace or Magistrate take the Oath mentioned in the Schedule to this Act annexed, marked (B.), and produce the Certificate of such Justice of the Peace or Magistrate, of his having taken such Oath, which Certificate such Justice of the Peace or Magistrate is hereby required to give in the Form in the Schedule to this Act annexed, marked (C.)

Master claiming Apprentices to take the Oath mentioned in Schedule (B.), &c.

LXXXI. And

Apprentices in Scotland, &c.

LXXXI. And be it further enacted, That no Master in *Scotland* shall be entitled to claim any Apprentice who shall after the passing of this Act enlist as a Marine, unless such Apprentice shall have been bound to him for the full Term of at least Four Years by a regular Contract or Indenture of Apprenticeship duly executed, signed, and attested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age, and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace, and before such Justice of the Peace take the Oath mentioned in the Schedule to this Act annexed, marked (B.), and produce the Certificate of such Justice of the Peace of his having taken such Oath, which Certificate such Justice of the Peace is hereby required to give in the Form in the Schedule to this Act annexed, marked (C.): Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover any such Apprentice in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven Years in *England*, Five Years in *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or Four Years in *Scotland*.

Persons hired by the Year enlisting to be entitled to a Proportion of their Wages.

LXXXII. Provided always, and be it further enacted, That if any Person who shall have been hired to serve any Master for a Year or otherwise, shall before the Expiration of his Time of Service under such Hiring enlist into His Majesty's Royal Marine Forces, such Person shall be entitled to such Proportion of Wages as the Magistrate shall think proper from his Master for the Time he has actually served under such Hiring, notwithstanding he shall have failed, in consequence of such Enlisting, in completing the full Term of Service agreed for under such Hiring; and the Magistrate shall give an Order, and take such other Steps as shall be necessary to enforce the Payment of such Proportion, within Five Days after the Amount shall have been declared by such Magistrate.

Officers not liable to have Parish Children apprenticed to them.

LXXXIII. And be it further enacted, That no Officer of His Majesty's Royal Marine Forces, residing in Barracks or elsewhere, under Military Law, shall be deemed liable to have any Parish poor Child bound Apprentice to him, but that every such Officer shall be wholly exempt from taking or receiving, or from having bound to him any such Apprentice; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

LXXXIV. And

LXXXIV. And whereas it may be expedient in certain Cases, particularly where a sufficient Number of Marine Officers cannot be conveniently assembled, or in Matters wherein any of His Majesty's Land Forces may be interested, that Officers of the Land Forces should be associated with the Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it shall be necessary, it shall and may be lawful for Officers of Royal Marines and Land Forces to sit in Conjunction upon all Courts-martial, and to proceed in the Trial of any Marine Officer or Private Man, in like Manner to all Intents and Purposes as if such Courts-martial were composed of Marine Officers only, and whether the Commanding Officer by whose Order such Court-martial is assembled belong to the Land or to the Marine Forces; and the Officers of Marine and Land Forces are in such Cases to take Rank according to the Seniority of their Commissions in either Service.

Officers of the Marine and Land Forces may sit in Conjunction upon Courts-martial.

LXXXV. *Provided always, and it is hereby declared and enacted,* That all His Majesty's Royal Marine Forces, as well Officers as Private Men, shall from Time to Time, during their being respectively borne as a Part of the Complement of any of His Majesty's Ships or Vessels, or as Supernumeraries on board the same, be subject or liable, in like Manner in all respects as any Officers or Seamen employed in His Majesty's Sea Service are subject and liable, to be governed and proceeded against and punished for Offences committed by them during the Time they shall be borne as Part of the Complement of such Ships or Vessels, or as Supernumeraries on board the same, according to the Purport, Tenor, Effect, and true Intent and Meaning of an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, explaining, and reducing into One Act, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea;* this present Act, or any thing herein contained, notwithstanding.

Marines borne as Part of the Complement of any Ship liable to be governed by the Rules established by 22 G. 2.

LXXXVI. And be it further enacted, That every Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person employed in the Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Royal Marine Forces, or for their Use, that shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such Person to be transported as a Felon for Life, or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and be incapable of serving His Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the Nature and Degree of the Offence, or that such Person shall forfeit Two hundred Pounds; and that such Person shall, in addition to any other Punishment, make good,

Persons employed in the Commissariat Department, embezzling Stores, may be tried by Court-martial, &c.

good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to seize the Goods and Chattels of the Person so offending, and sell them for the Payment of the said Two hundred Pounds, and such Damage; and if sufficient Goods and Chattels cannot be found and seized, then the Person so offending shall be committed to the Prison or the Common Gaol, there to remain (in addition to any other Punishment or Imprisonment) for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

Continuance of this Act.

LXXXVII. And be it further enacted, That this Act and every Thing herein contained shall be and continue in force within *Great Britain* from the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine; and shall be and continue in force within *Ireland* from the First Day of *April* One thousand eight hundred and twenty-eight, until the First Day of *April* One thousand eight hundred and twenty-nine inclusive; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *May* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *May* One thousand eight hundred and twenty-nine inclusive; and it shall be and continue in force in all other Parts of *Europe* where Royal Marine Forces may be serving, and in the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *July* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *July* One thousand eight hundred and twenty-nine inclusive; and shall be and continue in force in all other Places from the Twenty-fifth Day of *September* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *September* One thousand eight hundred and twenty-nine inclusive.

Act in Part may be altered this Session.

LXXXVIII. And be it further enacted, That this Act, so far as relates to the Allowances to be made for the quartering of Royal Marines, and providing for their Horses, may be altered, varied, or repealed by any Act or Acts to be made in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am by Trade a and to the best of my Knowledge and Belief was born in the Parish of in the County of ; and that I have no Rupture, nor ever was troubled with Fits, and am no ways disabled by Lameness or otherwise, but have the perfect Use of my Limbs; and that I am not an Apprentice, and that I do not belong to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Royal Marines. As witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this
Day of One thousand eight
hundred and

Witness present.

SCHEDULE (B.)

FORM OF MASTER'S OATH.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Seven Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand, at the Day of One thousand eight hundred and

Sworn before me at this
Day of One thousand eight
hundred and

SCHEDULE (C.)

FORM OF JUSTICE'S CERTIFICATE.

To wit. } I *A. B.* one of His Majesty's Justices of the Peace of certify, That of came before me at on the Day of One thousand eight hundred and and made Oath that he was by Trade a and that was bound to serve as an Apprentice to him in the said Trade by Indenture dated the Day of for the Term of Seven Years; and that the said Apprentice did, on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

A.B.

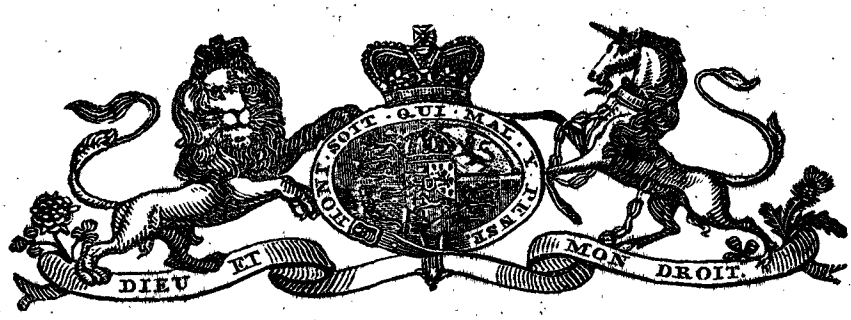
SCHEDULE (D.)

To the [Churchwardens or Overseers] of the [Parish, Township, or Place.]

YOU are hereby required to pay *A.B.* [*describe whether Non-commissioned Officer, &c.*] within named, on Furlough from the Day of to the Day of signed by [*Commanding Officer signing the Furlough*] the Sum of out of any Money now in your Hands, or out of the first Money which shall come to your Hands in respect of the Rates for the Relief of the Poor, being at the Rate of *per* Day from the Day of to the Day of both inclusive; and for so doing this shall be your Warrant, and pass as such for your Repayment under the Marine Mutiny Act.

Witness my Hand the Day of
Justice of the Peace for

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. IV.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [21st *March* 1828.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is judged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Ninety-one thousand and seventy-five Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

Number of Forces 91,075.

Every Officer or Private Man, during the Continuance of this Act, who shall mutiny or desert, &c.

Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs, or Tokens in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

or shall be found sleeping upon or shall desert his Post, &c.

or shall strike or disobey his superior Officer, shall suffer Death, or such Punishment as a Court-martial may inflict.

Soldiers enlisted in any other Regiment, &c. to be deemed Deserters.

II. Provided always, and it is hereby declared and enacted, That no Non-commissioned Officer or Soldier who shall desert His Majesty's Service shall be exempt from the Pains and Penalties imposed by this Act for such Offence, by again enlisting into His Majesty's Service; but any such Soldier shall, notwithstanding such subsequent Enlistment, be deemed to have deserted His Majesty's Service, and shall in like Manner suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Deserters who shall enlist in another Regiment, &c. may be punished by a Court-martial in such Regiment, &c.

III. And whereas Doubts have arisen, whether Soldiers who of Right belong to Corps from which they have deserted may be proceeded against and tried for deserting any other Corps in which they may afterwards have enlisted, or from His Majesty's Service, if they shall not after such subsequent enlisting have been placed in any Corps, or for any Crime committed by them whilst serving therein; be it therefore enacted, That every such Soldier shall be liable to be tried by a Court-martial, and punished in like Manner as if he had originally enlisted in and of Right belonged to the Regiment, Corps, Troop, Company, Detachment, or Party in which he shall be at the Time of any subsequent Desertion or committing any Offence, notwithstanding

ing it shall have been discovered or known that he had previously belonged to some other Regiment, Corps, Troop, or Company, Detachment or Party, and had not been discharged therefrom: Provided always, that if such Person shall be claimed by such other Regiment, Corps, Troop, or Company, Detachment or Party, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any one or more Corps in which he may have unwarrantably enlisted may (unless he shall already have been tried for the same) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to such Deserter of the Fact or Facts intended to be produced in Evidence upon his Trial.

Deserter may be transported;

IV. And be it further enacted, That in case of any Non-commissioned Officer or Soldier tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, according to the Nature of the Offence, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years; and if such Non-commissioned Officer or Soldier, having been adjudged to be transported as a Felon, shall afterwards (without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence, and shall be convicted thereof in the ordinary Course of Law, every such Person shall be deemed and adjudged guilty of Felony, and shall suffer Death as a Felon.

and returning before Expiration of the Term limited, he shall suffer Death.

His Majesty, where Courts-martial award a Capital Punishment, may order Offenders to be transported.

V. Provided always, and be it enacted, That in all Cases wherein a Capital Punishment shall have been awarded by a Court-martial, it shall be lawful for His Majesty, instead of causing such Sentence to be carried into Execution, to order the Offender to be transported as a Felon for Life, or for a certain Term of Years, as to His Majesty shall seem meet; and if the Person so transported, in pursuance of such Order from His Majesty, shall afterwards, without Leave from His Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported, return into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of *Great Britain* or *Ireland*, or in any of His Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Order, and shall be duly convicted thereof, he shall suffer Death.

Deserter may be sentenced to serve as a Soldier in any Corps.

VI. And be it further enacted, That it shall be lawful for any General or General Regimental Court-martial to sentence any Non-commissioned Officer or Soldier convicted of Desertion by such Court, to general Service as a Soldier, and that His Majesty may thereupon direct that such Service shall be in any Regiment or Regiments or Corps, and in any Country or Place or Places, abroad or otherwise, as He may think fit.

VII. Pro-

Deserter enlisted for a limited Term may be sentenced to serve for Life, &c. and be adjudged to other Forfeitures.

VII. Provided always, and be it further enacted, That if any Non-commissioned Officer or Soldier in any Regiment or Corps of His Majesty's Regular Forces, so convicted of Desertion, shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Soldier so enlisted in any Regiment or Corps of His Majesty's Regular Forces to serve for Life as a Soldier, or for any Number of Years beyond the Period for which such Non-commissioned Officer or Soldier shall have enlisted, in the Regiment in which he so enlisted, or generally in any Regiment or Corps which His Majesty shall please to direct; and any Non-commissioned Officer or Soldier may, in case of Desertion, be adjudged to forfeit all Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise have accrued to such Non-commissioned Officer or Soldier from the Length of his previous Service, and such Forfeiture may in such Cases of Desertion be adjudged in addition to any other Punishment, if the Court should think fit.

A Mark to be affixed on the Body of Deserters.

VIII. And be it further enacted, That it shall be lawful for any Court-martial, before which any Non-commissioned Officer or Soldier shall be tried and convicted of Desertion, to direct, if it shall so think fit, in addition to any other Punishment such Court may award for any such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Armpit, with the Letter (D.), such Letter not to be less than Half an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Sentence of Transportation, &c. shall be notified by the Commander in Chief or the Adjutant General to any Justice of the King's Bench, &c. who shall make an Order for the Transportation of such Offenders.

IX. And be it further enacted, That whenever His Majesty shall intend any Sentence of a Court-martial of Transportation to be carried into Execution, or shall be graciously pleased to extend His Mercy, upon Condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Commander in Chief for the Time being of His Majesty's Forces in *Great Britain* and *Ireland*, or by the General Officer commanding in Chief for the Time being His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Commander in Chief, or such General Officer, then by the Adjutant General for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif in *England*, or to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer in *Ireland;* and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order and Orders so to be made, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such Person in whose Custody such Offender shall at that

that Time be, and all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act with respect to any Offender in the said Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant whom it may concern, and all Constables, and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience, or interrupting the Execution of the same, as they would be if the same had been made under the Authority of the aforesaid Act; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every Provision and Provisions made by Law, and now in force, concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation.

Such Notification, &c. shall be filed in the Office of the Clerk of the Crown;

X. And be it further enacted, That the Justice or Baron who shall make any such Order as aforesaid, under any such Notification of His Majesty's Pleasure as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of His Majesty's Court of King's Bench, and to be there kept of Record; and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same.

who shall, on Application, deliver a Certificate of the Conviction of any such Offender, &c.

XI. And be it further enacted, That the said Clerk of the Crown of His Majesty's Court of King's Bench shall, upon the Application of any such Offender who shall be ordered by His Majesty to be transported as aforesaid, or of any other Person applying on his Behalf, or on the Application of any Person on Behalf of His Majesty, deliver a Certificate in Writing under his Hand (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which His Majesty's Order for such Offender's Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court, and in any Proceeding wherein it may be necessary to inquire into the same.

Sentence of Transportation in India, &c. to be notified by the Officer commanding in Chief to some Judge of one of the Supreme Courts, who shall make Order for such Transportation.

XII. And be it further enacted, That whenever any Sentence of Transportation passed by any Court-martial holden in the *East Indies*, or in *Saint Helena*, or in His Majesty's Settlements of the *Cape of Good Hope* or *Ceylon*, or in any Settlement occupied by His Majesty's Forces beyond the *Cape of Good Hope*, is to be carried into Execution, or Mercy shall be extended to any Offender liable to the Punishment of Death by the Sentence of any such Court-martial, upon Condition of Transportation, the same shall be notified in Writing by the Officer commanding in Chief His Majesty's Forces in *India*, or in *Saint Helena*, or at the *Cape of Good Hope*, or in the Island of *Ceylon*, or at any other Foreign Settlement, Island, Territory, or Country belonging to His Majesty within the Limits of the Charter of the United Company of Merchants of *England* trading to the *East Indies*, or in the Absence of the Officer commanding in Chief,

Chief, then by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay*, or the Chief Justice or other Judge at the Island of *Ceylon* or the *Cape of Good Hope*, or any such other Settlement, Island, Territory, or Country respectively as aforesaid, and thereupon such Judge shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification; and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Judge is authorized to make or do with respect to Offenders ordered to be transported by Sentence of the Criminal Courts in *India*; and the Governor and Council of such Presidency, or Governor of such Settlement, Island, Territory, or Country respectively, shall and they are hereby required to take Order for the Transportation of all such Offenders accordingly.

Offenders under Sentence of Death, obtaining His Majesty's conditional Pardon, shall be subject to the Laws touching the Escape of Felons, &c.

XIII. And be it further enacted, That if any Offender under Sentence of Death by a Court-martial as aforesaid, shall obtain His Majesty's conditional Pardon as aforesaid, all and every the Laws now in force touching the Escape of Felons under Sentence of Death, shall apply to such Offender, and to all Persons aiding, abetting, or assisting in any Escape or intended Escape of any such Offender, or contriving any such Escape, from the Time when such Order shall be made by such Justice or Baron as aforesaid, and during all the several Proceedings which shall be had for the Purposes aforesaid.

The King may grant a Commission for holding Courts-martial, &c.

XIV. And be it further enacted, That His Majesty may from Time to Time grant a Commission under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that His Majesty may likewise from Time to Time, by His Royal Commission, empower the Chief Governor or Governors of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, the Governor of *Gibraltar*, and the Governor of any of His Majesty's Dominions beyond the Seas respectively, or the Person or Persons there commanding in Chief His Majesty's Forces for the Time being, and may also from Time to Time extend His Royal Warrant to the Commander of the Forces in that Part of the said United Kingdom called *Ireland*, and to any General or other Officer having the Command of a Body of His Majesty's Forces within the United Kingdom of *Great Britain* and *Ireland*, or in any of His Majesty's Dominions, or elsewhere beyond the Seas, or to the General or other Officer commanding such Body of Forces for the Time being, empowering them respectively to appoint General Courts-martial, as well as to authorize any Officer under their respective Command, not below the Degree of a Field Officer, to convene General Courts-martial as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Command, whether the same shall have been so committed before or after such General Officer shall have taken upon himself such Command; all which Courts-martial shall be constituted, and shall regulate their Proceedings, according to the several Provisions herein-after specified.

None to be tried a Second Time for the same Offence, except in Cases of Appeal.

XV. Provided always, and it is hereby declared and enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once.

Act not to exempt Soldiers from ordinary Proceedings.

XVI. Provided also, That nothing in this Act contained shall extend or be construed to exempt any Officer or Soldier whomsoever from being proceeded against by the ordinary Course of Law.

Persons accused of Capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

XVII. And be it further enacted, That if any Officer, Non-commissioned Officer or Soldier, shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his and their utmost Endeavours to deliver over such accused Person to the Civil Magistrate; and shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding or assisting to the Officers of Justice in apprehending such Offenders, every such Officer so offending, and being thereof convicted, upon any Information or Indictment in any of His Majesty's Courts of Record at *Westminster*, or in any of His Majesty's Courts in *Scotland*, or in *Dublin*, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*.

Persons acquitted, &c. by the Civil Magistrate.

XVIII. Provided always, That no Person or Persons, being acquitted or convicted of any Capital Crimes, Violences, or Offences by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Persons imprisoned for Criminal Offences not to receive Pay till they return to their Regiment, &c.

XIX. And be it further enacted, That no Officer, Non-commissioned Officer or Soldier, who shall be arrested and committed to Prison upon a Charge of any Criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join; provided that if he shall be acquitted of the Offence for which he was committed, he shall upon the Return to his Corps be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment during the Time of his Confinement, as well under the original Commitment as under any Commitment consequent upon such Conviction, and until the Day of

Secretary at War empowered to order such Payment.

of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the Secretary at War for the Time being to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Soldier, during any such Commitment or Imprisonment, or either of them, or any Part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Soldier, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Imprisonment, or after the Discharge of such Officer, Non-commissioned Officer, or Soldier, after Conviction, or otherwise, as shall appear to the Secretary at War to be proper; and the Order of the Secretary at War, for the Payment of such Pay or Arrears, shall be a sufficient Discharge for such Payment.

eneral Courts-martial to consist of 13 or 9 Commissioned Officers, except in certain Places.

XX. And be it further enacted, That all General Courts-martial held under the Authority of this Act shall consist of Thirteen or Nine Commissioned Officers, as the Case may require; except the same shall be holden upon any Officer, Non-commissioned Officer, or Private Soldier of His Majesty's Forces, which shall be serving in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*; in which Cases any General Court-martial may consist of any Number not less than Seven; and except the same shall be holden in *Africa*, or in *New South Wales*, in which Places such General Courts-martial may consist of any Number not less than Five; of whom none shall be under the Degree of a Commissioned Officer; nor shall the President of any General Court-martial be the Officer commanding in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor in any Case whatsoever under the Degree of a Captain.

General or other Officers commanding Stations Abroad may summon General Courts-martial in certain Cases.

XXI. Provided always, and be it further enacted, That it shall be lawful for any General or other Officer commanding any Station, or commanding any Division, Brigade, Detachment, or distinct Party belonging to any Army of His Majesty, which may at any Time be serving in any Place beyond the Seas out of His Majesty's Dominions, upon Complaint made to him of any Crime or Crimes, Offence or Offences, done or committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Non-commissioned Officer, Soldier, or other Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any such General or other Officer, to summon and cause to assemble a General Court-martial, which shall consist of not less than Three Officers at the least, for the Purpose of trying any such Person or Persons accused or suspected of having committed any such Crime or Crimes, Offence or Offences as aforesaid, notwithstanding any such General or other Officer shall not have received from His Majesty, or from any Person having his Majesty's Authority in that Behalf, any Warrant or Warrants empowering such General or other Officer to summon or assemble Courts-martial; and every such Court-martial shall have

Power

Power to try any such Person or Persons so accused or suspected as aforesaid, and to adjudge any such Person or Persons to suffer any such Punishment as shall be prescribed for any Crime or Crimes, Offence or Offences, with which any such Person or Persons shall be charged before such Court-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding in Chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same: Provided also, that every such Court-martial shall have such and the same Powers for summoning and examining Witnesses, and that Witnesses guilty of Perjury on Examination before them shall be subject and liable to the same Penalties and Punishments, as are or shall be by any Law or Usage in force in relation to any other Court-martial, or to any Witnesses examined before any other Court-martial.

General Courts-martial (except, &c.) not to consist of less than 13 Members.

XXII. Provided also, and be it further enacted, That no General Court-martial for the Trial of any Officer (except the same shall be holden in any Place beyond the Seas out of His Majesty's Dominions, and out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa* or *New South Wales*,) shall consist of less than Thirteen Members.

No General Court-martial of less than 13, except in certain Places, shall sentence any Soldier to Loss of Life, &c.

XXIII. Provided also, and be it further enacted, That no General Court-martial, consisting of any less Number than Thirteen Commissioned Officers, unless holden in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa* or *New South Wales* as aforesaid, shall sentence any Non-commissioned Officer or Soldier to Loss of Life or Limb, or Transportation.

General Courts-martial may inflict Corporal Punishment, or Imprisonment, &c. for Immorality, &c.

XXIV. And be it further enacted, That it shall be lawful for any such General Court-martial, by their Sentence or Judgment, to inflict Imprisonment, solitary or otherwise, or Corporal Punishment, not extending to Life or Limb, as such Court shall think fit, on any Non-commissioned Officer or Soldier, for Immorality, Misbehaviour, or Neglect of Duty, or to adjudge a Forfeiture of all Benefit or Advantage as to Increase of Pay, or as to Pension, which might otherwise have accrued to such Non-commissioned Officer or Soldier from the Length or Nature of his Service: Provided always, that it shall not be lawful for any General Regimental Court-martial to award such Forfeiture of Benefit or Advantage as to Increase of Pay or as to Pensions as aforesaid, except in Cases of Desertion as before provided for.

General or other Courts-martial may sentence Non-commissioned Officers or Soldiers to

XXV. Provided also, and be it further enacted, That it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Soldier to Imprisonment with or without hard Labour, as the Court shall think fit, in any House of Correction, Common Gaol, or Public Prison, or in any other Place which such Court may appoint for that Purpose; and all Gaolers

Imprisonment in any House of Correction or Gaol, &c.

and Keepers of Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged, any Non-commissioned Officer or Soldier who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Soldier, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the District within which such General Court-martial shall have been held, or from the Commanding Officer of any Regiment or Corps to which such Non-commissioned Officer or Soldier so tried by any Regimental Court-martial as aforesaid shall belong; and every such Gaoler or Keeper of any such House of Correction shall, upon receiving an Order in Writing from any such Commanding Officer as aforesaid, deliver any such Non-commissioned Officer or Soldier to any Person, on producing such Order, although the Period for which he was originally sent to such Gaol or House of Correction shall not have expired; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in Manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information for the Use of His Majesty.

Penalty on Gaolers refusing to receive them.

Such Non-commissioned Officers and Soldiers to forfeit their Pay.

XXVI. And be it further enacted, That every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General or other Court-martial shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also, that during the Continuance of any Imprisonment in any Prison, Gaol, or House of Correction, the Gaoler or Keeper of such Prison, Gaol, or House of Correction in *Great Britain*, and *Ireland* the Inspector under whose immediate Inspection such House of Correction, Gaol, or Prison shall be, shall receive and apply in the Maintenance of such Non-commissioned Officer or Soldier the Sum of Sixpence *per Diem* out of the Subsistence of such Non-commissioned Officer or Soldier during the Time that such Non-commissioned Officer or Soldier shall continue in Custody; which said Sum the Secretary at War is hereby authorized and required to cause to be paid to the said Gaoler or Keeper, or Inspector respectively as aforesaid, upon receiving an Application in Writing signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said Non-commissioned Officer or Soldier was confined: Provided always, that it shall be lawful for the Secretary at War, if he shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Soldier, during or after the Expiration of the Period of his Imprisonment in any Prison, Gaol, House of Correction, or Place of Military Confinement.

Allowance to Gaolers, &c.

Courts-martial may administer

XXVII. And be it further enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby

required to administer an Oath to every Witness, in order to his Examination on the Trial of any of the Offences that shall come before them. Oath to Witnesses.

XXVIII. And be it further enacted, That in all Trials by General Courts-martial to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Judge Advocate or his Deputy (who are hereby authorized to administer the same); that is to say, Officers to be sworn.

'YOU shall well and truly try and determine, according to your Evidence, in the Matter now before you. So help you GOD.' Oaths to be taken by all Members of a General Court-martial.

'I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be approved by His Majesty, or by some Person duly authorized by Him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness, by a Court of Justice or a Court-martial, in a due Course of Law. So help me GOD.'

And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words: The Judge Advocate to be sworn.

'I do swear, That I will not upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness, by a Court of Justice or a Court-martial, in a due Course of Law. So help me GOD.' The Oath.

And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, unless Nine Officers present shall concur therein, (except such General Court-martial shall be holden in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in His Majesty's Colony of the *Bermuda Isles*, or in *Africa*, or in *New South Wales* as aforesaid); and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in any Place beyond the Seas out of His Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of *England* trading to the *East Indies*, or in the said Colony of the *Bermuda Isles*, or in *Africa* and in *New South Wales* as aforesaid, when the same shall consist of a less Number of Officers, then such Judgment shall In Sentences of Death, what Number of Officers shall concur, &c.

shall pass by the Concurrence of Two Thirds at the least of the Officers present; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, in like Manner as Witnesses attending any of His Majesty's Courts of Law are privileged; and that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid, who shall not attend on such Courts, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Session or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made to the said Court of King's Bench, or Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies*, or elsewhere respectively, in like Manner as if such Witness had neglected to attend in a Trial in any Criminal Proceeding in that Court.

Hours of Trial.

Witnesses attending Courts-martial to be privileged from Arrest.

Witnesses not attending liable to be attached.

Proceedings on Trials by Courts-martial other than General Courts-martial.

XXIX. Provided always, and be it further enacted, That in all Trials by any Courts-martial, other than General Courts-martial, which shall be held by virtue of this Act, or of any Articles of War established by His Majesty in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the said Oaths); that is to say,

Oaths to be taken by the Members of such Courts-martial.

'YOU shall well and truly try and determine, according to your 'Evidence, in the Matter now before you. So help you GOD.'

'I do swear, That I will duly administer Justice according to 'the Rules and Articles for the better Government of His 'Majesty's Forces, and according to an Act now in force for the 'Punishment of Mutiny and Desertion, and other Crimes therein 'mentioned, without Partiality, Favour, or Affection; and if any 'Doubt shall arise which is not explained by the said Articles or 'Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases.

'So help me GOD.'

And

And the President of every such Court-martial (not being under the Rank of a Captain) shall be appointed by the Commanding Officer of the Regiment, Detachment, or Brigade, or the Governor or Commander of the Garrison, Fort, Castle, or Barrack, directing such Court-martial. Appointment of President.

XXX. And whereas it may be expedient in certain Cases, and particularly in such Matters wherein any of His Majesty's Royal Marine Forces may be interested, that Officers of the Royal Marines should be associated with Officers of the Land Forces, for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Royal Marine Forces to sit in conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of the Land Forces only, and whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Royal Marine Forces; and the Officers of the Land and Royal Marine Forces are in such Cases to take Rank according to the Seniority of their Commissions in either Service. When necessary, Officers of the Land and Royal Marine Forces may sit in conjunction upon Courts-martial, taking Rank according to the Seniority of their Commissions.

XXXI. And whereas it may also be expedient that Officers of His Majesty's Land Forces, when employed in conjunction with Officers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, should in certain Cases be associated for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as there may be occasion, it shall and may be lawful for Officers of His Majesty's Land Forces, and of the Forces in the Service of the United Company of Merchants of *England* trading to the *East Indies*, to sit in conjunction at Courts-martial, and to proceed in the Trial of any Officer or Soldier in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of His Majesty's Land Forces, or of Officers in the Service of the said United Company only; with this Distinction, that upon the Trial of any Officer or Soldier of His Majesty's Land Forces, Regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Courts-martial shall be in the Terms by this Act prescribed; and upon the Trial of any Officer or Soldier in the Service of the said United Company, Regard shall be had to the Regulations and Provisions made by or in pursuance of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage*; notwithstanding any Officer in the Service of the said United Company may have a Commission from His Majesty; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act. Officers of the King's Forces and Officers in the East India Company's Service may sit in conjunction at Courts-martial, &c. 4 G. 4. c. 81.

XXXII. And be it further enacted, That the Party tried by any General Court-martial within *Europe* (except in the Garrison of *Gibraltar*) The Party tried entitled to a Copy of

the Sentence and Proceedings of the Court-martial.

Gibraltar) shall be entitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself or by any other Person or Persons on his Behalf (he or they paying reasonably for the same), at any Time not sooner than Three Months after such Sentence; and in case of Trial by any General Court-martial at *Gibraltar*, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in case of Trial by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Proceedings, &c. of Courts-martial to be transmitted to the Judge Advocate General.

XXXIII. Provided always, and be it enacted, That every Judge Advocate, or Person officiating as such at any General Court-martial, do and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of such Court-martial to the Judge Advocate General in *London*; and the said original Proceedings and Sentence are to be carefully kept and preserved in the Office of the said Judge Advocate General, to the end that the Persons entitled thereto may be enabled, upon Application to such Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Proceedings of Courts, &c. not liable to Stamp Duty.

XXXIV. Provided also, and be it further enacted, That none of the Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp Duty whatsoever; any thing contained in any former Act or Acts to the contrary notwithstanding.

His Majesty empowered to make Articles of War.

XXXV. And be it further enacted, That it shall and may be lawful to and for His Majesty to form, make, and establish Articles of War for the better Government of His Majesty's Forces, which Articles shall be judicially taken notice of by all Judges, and in all Courts whatsoever.

Copies of Articles of War to be transmitted to the Judges, &c.

XXXVI. And for the more effectual Notification thereof to the several Judges and Persons herein-after mentioned, be it further enacted, That Copies of all such Articles of War, printed by the King's Printer, shall from Time to Time, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War for the Time being, signed with his own Hand and Name, to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Colonies, Plantations, and Territories abroad.

His Majesty to constitute and to authorize others to convene Courts-martial.

XXXVII. And be it further enacted, That for bringing Offenders against such Articles of War to Justice, it shall be lawful for His Majesty to erect and constitute Courts-martial, as well as to grant His Royal Commissions or Warrants to the Persons and in the Manner herein mentioned and expressed for convening and authorizing others to convene Courts-martial, with Power to try, hear, and determine

any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgment of the same, as well within the United Kingdom of *Great Britain* and *Ireland*, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, and the Islands thereto belonging, as in His Majesty's Garrison of *Gibraltar*, and in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas.

None to be adjudged of Life or Limb but for Crimes expressed to be so punishable.

XXXVIII. Provided always, and be it further enacted, That no Person, shall, by such Articles of War, be subject to any Punishment extending to Life or Limb, within the United Kingdom of *Great Britain* and *Ireland*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or any of the Isles thereto belonging, for any Crime which is not expressed to be so punishable by this Act; nor for such Crimes as are expressed to be so punishable, in any Manner, or under any Regulations, which shall not accord with the Provisions of this Act.

Offenders beyond Sea, &c. may be tried here, &c.

XXXIX. Provided also, and be it further enacted, That if any Officer or Soldier, or any other Persons subject to the Provisions of this Act, shall in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall after the Commission of any such Offence go or be sent to any other Station or Part of His Majesty's Dominions in the Course of Service abroad, or come or be brought into this Realm, or into *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence, such Officer or Soldier or other Person shall be tried and punished for the same at such other Station or Part of His Majesty's Dominions, or within the Realm, or any such Island as aforesaid, as if the Offence had been committed where such Trial shall take place.

Musters to be made Twice a Year.

XL. And whereas it is of essential Importance, as well to the due Observance of public Economy as to the Discipline of His Majesty's Forces, that they should be regularly mustered, and that the Musters should be taken with the strictest Accuracy and Exactness; be it therefore enacted, That Musters shall be made, had, or taken of every Regiment, Troop, or Company in His Majesty's Service Twice at the least in every Year, at such Times as shall be appointed.

No Muster in Westminster, &c. but in the Presence of Two or more Justices.

XLI. And be it further enacted, That no Officer shall muster any Regiment, Troop, or Company within the City of *Westminster*, and Borough of *Southwark* and Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being discharged from his Office, unless such Justices, upon Forty-eight Hours Notice being given to Six of His Majesty's Justices of the Peace residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Officer may proceed to muster such Regiment, Troop, or Company; provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty-eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace as aforesaid; which Justices so attending are hereby empowered to sign the said Muster Rolls, and to take

take Recognizance of such Muster, and to examine the Truth thereof before they sign the same.

Muster Rolls and Pay Lists to be verified on Oath, and attested by a Magistrate without Fee.

XLII. Provided always, and be it further enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath, shall be sworn before and be attested by any Justice of the Peace or Magistrate, who are hereby authorized and required to administer such Oath, and attest the same, without Payment of any Fee or Reward whatever in respect thereof, either to such Justice or Magistrate, or the Clerk of any such Justice or Magistrate.

Penalty on giving false Certificates to excuse Soldiers from Musters.

XLIII. And for preventing of Fraud and Deceit in the mustering of Soldiers, be it further enacted, That if any Person shall make or give, or procure to be made or given, any false or untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster, or any other Service which he ought to attend or perform, upon Pretence of such Soldier being employed on some other Duty of the Regiment, or being Sick, in Prison, or on Furlough; then every such Person so making, giving, or procuring such Certificate, shall for every such Offence forfeit the Sum of Fifty Pounds, and shall be forthwith cashiered and displaced from his Office, and shall be thereby utterly disabled to have or hold any Military Office or Employment within this Realm, or in His Majesty's Service; and no Certificate shall excuse the Absence of any Soldier, but for the Reasons above mentioned, or one of them.

Penalty on Officers making false Musters, &c.

XLIV. And be it further enacted, That every Officer that shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof; and also every Officer who shall directly or indirectly take or cause to be taken any Sum or Sums of Money, or any other Gratuity, on or for the mustering any Regiment, Troop, or Company, or on or for the signing of any Muster Rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial to be thereupon called (which is hereby authorized and required to administer such Oath), shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service.

Penalty on Officers mustering Persons by wrong Names.

XLV. And be it further enacted, That if any Officer shall knowingly muster any Person by a wrong Name, upon Conviction thereof before a General Court-martial, the said Officer shall be subject to such Penalties as are directed and inflicted by this Act upon those who shall make false Musters.

Penalty on Persons offering themselves to be falsely mustered.

XLVI. And be it further enacted, That if any Person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses before any Justice of the Peace for the County residing near the Place where such Muster shall be made, and upon Certificate thereof in Writing, under

under the Hand of the Officer appointed to take the Muster, made to such Justice of the Peace, the said Justice is hereby authorized and required to commit such Offender to the House of Correction, there to remain for the Space of Ten Days: And if any Person shall wittingly or willingly lend or furnish any Horse to be mustered which shall not truly belong to the Trooper or Troop so mustered, the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse, or otherwise the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses, before some Justice of the Peace residing near to the Place where such Muster shall be made; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus (if any be) to the Owner; and in case such Offender shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly whipped, at the Discretion of such Justice; and the said Forfeiture shall be given or paid to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

Horses falsely mustered to be forfeited, &c.

Forfeiture how to be levied.

Soldiers giving Information of false Musters entitled to Discharge.

XLVII. And be it further enacted, That in *Great Britain*, the Officer who shall be appointed to take the Half-yearly Muster of any Regiment, Troop, or Company in His Majesty's Service at any Place Ten Miles distant from *London*, shall close the Muster Rolls of the said Regiment, Troop, or Company within Twenty-four Hours after such Muster shall have been made, and shall return the Rolls so taken by the Post or other safe Conveyance, within Seven Days after their being closed, to the Secretary at War, and shall also, if required so to do, send One Copy thereof to the Paymaster General of His Majesty's Land Forces, and One Copy thereof to the Comptrollers of the Accounts of the Army, on or before the First Day of *May* and Twenty-ninth Day of *September* respectively following such Half-yearly Muster: And no Alterations or Indorsements shall be made in or upon the said Muster Rolls, other than in the Case of Orders of Leave or Dates of Commissions, and other than involuntary Errors or literal Mistakes in Writing or transcribing the said Muster Rolls, upon Pain of forfeiting the Employment of such Officer, as also the Sum of Twenty Pounds for every such Offence to any Person who shall sue for the same.

Muster Rolls Ten Miles distant from London, to be closed within 24 Hours after the Muster, and returned within Seven Days to the Secretary at War.

XLVIII. And whereas by *The Petition of Right*, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the *British* Parliament, made in the Thirty-first Year of the Reign of King

Recital of the Petition of Right, 3 Car. 1. &c.

Charles the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty-two Pounds Seventeen Shillings and Three-pence for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should from thenceforth presume to place, quarter, or billet any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billetting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*; be it further enacted, That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within *England*, *Wales*, and the Town of *Berwick-upon-Tweed*, and in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others; and such Constables, and other Chief Magistrates as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service, and Persons receiving Pay in His Majesty's Army, in Inns, Livery Stables, Alehouses, Victualling Houses, and the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, other than and except Canteens held and occupied under the Authority of the Commissioners for the Affairs of Barracks, or of the Department of the Ordnance, and other than and except Persons who keep Taverns only, being Freemen of the Company of Vintners of the City of *London*, who were admitted to their Freedom before the Fifth Day of *July* One thousand seven hundred and fifty-seven, or who since have or shall hereafter be admitted to their Freedom of the said Company, in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; and all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin by Retail to be drank in Houses, other than and except the House or Houses of any Distillers, who keep Houses or Places for distilling Brandy and Strong Waters, and the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters (so as such Distillers and Shopkeepers do not permit or suffer Tippling in his or their Houses), and in no other, and in no private Houses whatsoever; nor shall any more Billets at any Time be ordered than there are effective Soldiers present to be quartered; all which Billets, when made out by such Chief Magistrates or Constables, shall be delivered into the Hands of the Commanding Officer present: And if any Constable, Tithingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any such private House, without the Consent of the Owner or Occupier, in such Case such Owner or Occupier shall have his or their Remedy at Law against such Magistrate or Officer for the Damage that such

Constables, &c. in England to quarter Officers and Men in Inns, Alehouses, &c.

but in no Distillers or Shopkeepers Houses, or in any private Houses.

Remedy against Constables, &c. quartering Soldiers in private Houses, &c.

Owner or Occupier shall sustain thereby: And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers before mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed; such Military Officer shall for every such Offence (being thereof convicted before any Two or more of the Justices of the Peace of the County, by the Oath of Two credible Witnesses,) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace of the said County, and a Certificate thereof to be transmitted to the Judge Advocate in *London*, who is hereby obliged to certify the same to the Commander in Chief and Secretary at War: And in case any Person shall find himself aggrieved, in that such Constable, Tithingman, or Headborough, Chief Officer or Magistrate, (such Chief Officer or Magistrate not being a Justice of the Peace,) has quartered or billetted in his House a greater Number of Soldiers than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Soldiers are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justices respectively shall have and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person or Persons as they shall see Cause, and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

Penalty on Officers quartering Soldiers contrary to this Act, &c.

Persons aggrieved by being quartered on may complain to any Justice and be relieved.

XLIX. And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers and providing Carriages for the Baggage of Soldiers on their March*, it was amongst other things enacted and declared, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard of Battle Axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have, receive, or be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Sea-port Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army or any considerable Part thereof should be commanded to march from any Part of *Ireland* to another, or during such Time or Times as he or they should be on their March as aforesaid: And whereas the Barracks of *Ireland* are not at present sufficient to lodge all the Forces upon its Military Establishment: And whereas it may be necessary to station Part of the Troops in Places where there are not Barracks, or not sufficient Barracks, to hold them; be it enacted, and it is hereby declared and agreed, That it shall and may be lawful, notwithstanding the said recited Act, to and for the Constables and other Chief Officers and Magistrates

Regulations for quartering Soldiers in Ireland.

Magistrates of Cities, Towns, Villages, and other Places in *Ireland*, and in their Default or Absence for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others, and such Constables and other Chief Magistrates as aforesaid, or in their Default, such Justice of the Peace as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service in Inns, Livery Stables, Alehouses, and the Houses of Sellers of Wine by Retail, to be drank in their own Houses or Places thereunto belonging, and all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin by Retail; and where there shall not be found sufficient Room in such Houses, then in such Manner as has been heretofore customary, taking care not to billet less than Two Men in any One House, except only in case of billetting Horse or Dragoons in manner herein-after mentioned; nor shall any Billets at any Time be ordered for more than the Number of effective Soldiers present to be quartered; all which Billets, when made out by such Chief Magistrates or Constables, or Justice of the Peace, as the Case may be, shall be delivered into the Hands of the Staff Officer employed, or of the Commanding Officer present: And if any Constable or other Chief Officer or Magistrate as aforesaid shall presume to quarter or billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof, then such Owner or Occupier shall have his or their Remedy in Law against such Magistrate or Officer for the Damage that such Owner or Occupier shall sustain thereby; and such Constable, Chief Officer, or Magistrate, being duly convicted of such Offence by Indictment, shall be imprisoned for the Space of One Calendar Month: And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Chief Officer before mentioned, tending to deter or discourage any of them from performing any Part of their Duty hereby required or appointed, or to induce any of them to do any thing contrary to their said Duty, such Military Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the Peace of the County, by Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment whatsoever; provided the said Conviction be affirmed at the next Assizes or Quarter Sessions of the Peace for the said County, or County of a City or Town, and a Certificate thereof be transmitted to the Secretary at War: And in case any Person shall find himself aggrieved in that such Constable, Chief Officer, or Magistrate, not being a Justice of the Peace, has quartered or billetted in his House a greater Number of Soldiers than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Soldiers are quartered, or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justice or Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed and quartered upon such other

other Person or Persons as he or they shall see Cause, and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

Soldiers not to be billetted above One Mile from the Places mentioned in the Route.

L. And as very great Detriment and Inconvenience arise to the Service from the dispersing and billetting of Soldiers when on a March at a great Distance from the Place or Places where they are meant to be quartered, and contrary to the true Intent and Meaning of the said last-recited Act, and by reason of which they are placed wide of their intended Route for the next Day's March; be it therefore enacted, That at no Time when Troops are on a March shall any of them be billetted above One Mile from the Place or Places mentioned in the Route.

For the more equal billetting of Soldiers on the Borders of Counties.

LI. And whereas Soldiers are often billetted and quartered on the March unequally, and to the Prejudice of some of His Majesty's Subjects, by reason that the Places mentioned in the Route are on the Borders of Counties, and that the Keepers of Houses in which Soldiers may be quartered, being out of the Parish or Place mentioned in the Route, although in the immediate Vicinity thereof, refuse to receive such Soldiers upon Billets granted by the Constables, Tithingmen, Headboroughs, or other Persons of such Places to whom the quartering of Soldiers belongs; for Remedy whereof, be it enacted, That in any such Case it shall be lawful for the Constable, Tithingman, Headborough, or other Person to whom the quartering of Soldiers in any Place mentioned in any Route on the Border of any County shall belong, and he and they is and are hereby required to quarter and billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in any such Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; and all Powers, Authorities, Clauses, Penalties, Forfeitures, and Provisions in this Act contained, in relation to the billetting and quartering of Soldiers, shall extend and be applied to all Billets so granted, as fully and effectually to all Intents and Purposes, and in like Manner in every respect, as if such Houses were locally situate within the Place mentioned in the Route: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower any Constable, Tithingman, Headborough, or other Person, to billet or quarter Soldiers out of the County to which they belong, in any Case in which any Constable, Tithingman, or Headborough, or other Person of the adjoining County, shall be present, and undertake to billet and quarter the due Proportion of Men in such adjoining County.

Lord Lieutenant to appoint a Person to sign Routes.

LII. And be it further enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

No Justice having any Military Office to be concerned in billetting his Soldiers.

LIII. And be it further enacted, That no Justice or Justices of the Peace having or executing any Military Office or Commission in any Part of the United Kingdom shall and may, during the Continuance of this Act, directly or indirectly be concerned in the quartering, billetting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company under the immediate Command or Commands of such Justice or Justices, according to the Dispositions made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things executed or appointed by such Justice or Justices of the Peace for or concerning the same, shall be void; any thing in this Act contained to the contrary notwithstanding.

High Constable, &c. may issue Precepts for billetting Foot Guards in Westminster, &c.

LIV. And be it further enacted and declared, That whenever any Order shall issue for the quartering or billetting the Officers or Soldiers of His Majesty's Regiments of Foot Guards within the Cities and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex*, and in the County of *Surrey*, and in the Borough of *Southwark* in the said County of *Surrey*, the High Constables shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tithingmen of each Parish, Ward, Hamlet, and District within their respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot Guards on such Houses only as by this Act is limited within their respective Parishes, Hamlets, or Districts; and such Petty Constables, Headboroughs, and Tithingmen shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act equally and proportionally, according to the Number of such Officers and Soldiers so to be billetted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot Guards shall be quartered within the said City and Liberties of *Westminster*, and Places adjacent, lying in the said County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act.

Constables, &c. in Westminster and Surrey to deliver at Quarter Sessions, Lists of Houses subject to receive Soldiers, &c. in their respective Divisions;

LV. And for the better preventing Abuses in billetting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, be it enacted, That the Petty Constables, Headboroughs, and Tithingmen of their respective Parishes, Wards, Hamlets, and Districts within the same, shall at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, in the said County of *Middlesex*, and in the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, make and deliver to the Justices then in open Sessions assembled, upon Oath, which Oath they the said Justices are hereby authorized and required to administer, true Lists signed by them respectively of all such Houses, together with the Number of all such Persons respectively inhabiting

the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey*, respectively, to the Intent that all and every Person and Persons may be at liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith from Time to Time make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copy so taken, each Sheet to be computed at and contain One hundred and fifty Words; and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tithingman, of any such Parish, Ward, Hamlet, or District, in the delivering such Lists to the Justices at their Quarter Sessions as aforesaid; or if he or they shall so deliver or cause to be delivered in any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billetted in each House respectively; such Petty Constable, Headborough, and Tithingman, or any of them so offending therein, shall for every such Offence forfeit the Sum of Five Pounds, to the Use of the Poor of such respective Parishes, Wards, Hamlets, and Districts; to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of His Majesty's Justice or Justices of the Peace for the City and Liberties of *Westminster*, for the said County of *Middlesex*, and for the said County of *Surrey*, and for the said Borough of *Southwark* in the said County of *Surrey*, respectively, (which Warrant or Warrants the said Justice or Justices is and are hereby empowered and required to make and issue); and for Want of sufficient Distress to be found for that Purpose, the said Justice or Justices is and are hereby empowered and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit the Person or Persons so offending to the Common Gaol of the said City of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, or the said Borough of *Southwark* in the said County of *Surrey*, there to remain for any Time to be limited by such Justice or Justices, not exceeding Three Calendar Months nor less than One Calendar Month, without Bail or Mainprize.

to be inspected without Fee.

Copies of such Lists to be written by the Clerk at 2*d.* per Sheet containing 150 Words.

Penalty on Default.

Penalty on giving defective Lists.

How to be levied.

LVI. And be it further enacted, That the Officers, Men, and Horses belonging to His Majesty's Horse or Dragoons, and also all Bât and Baggage Horses belonging to any of His Majesty's other Forces, and also the Horses belonging to Staff and Field Officers in His Majesty's Forces when upon actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, shall and may be quartered and billetted in the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which Officers and Soldiers are by this Act allowed to be quartered

Officers, Men, and Horses, belonging to the Horse or Dragoons, and also Bât and Baggage Horses, &c. how to be quartered, &c.

quartered and billetted, and that they shall be received and furnished by the Owners or Occupiers of such Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are so allowed to be quartered and billetted, with Diet and Small Beer, and with Stables, and Hay and Straw for such Horses, paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

Horses belonging to the Horse or Dragoons, Artillery or Commissariat, and also Bât and Baggage Horses, &c. how to be quartered in Ireland.

LVII. And be it further enacted, That all Horses of Officers and Men belonging to His Majesty's Horse, Dragoons, Artillery, or Commissariat, and also all Bât and Baggage Horses belonging to any of His Majesty's other Forces, and also the Horses belonging to Staff and Field Officers in His Majesty's Forces when upon actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, shall and may be quartered and billetted in *Ireland* in the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which Officers and Soldiers are by this Act allowed to be quartered and billetted; and that they shall be received and furnished by the Owners or Occupiers of such Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are allowed to be so quartered and billetted, with Stables, and also with Hay and Straw for such Horses, at the Rate of Eighteen Pounds of Hay and Six Pounds of Straw each Horse *per* Night, in Cases in which Hay and Straw shall not be supplied by Contract for such Horses, such Owners or Occupiers being paid for the same the several Rates that are or shall be established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*.

When Horses are provided with Hay and Straw by Contract, an Allowance shall be paid to the Innkeeper.

LVIII. And whereas Innkeepers or others on whom such Horses as before recited may have been billetted, have heretofore received an Allowance of Four-pence *per* Week for each such Horse for the Use of the Stable, when the Forage has been furnished by Contract; be it enacted, That from and after the passing of this Act, the said Allowance of Four-pence *per* Week shall continue to be paid only during the Time when such Horses shall be provided with Hay and Straw by Contract, and not by such Innkeepers or other Owners or Occupiers as aforesaid.

Dragoons, &c. quartered on Persons who have no Stables, may be removed to those who have Stables, &c.

LIX. Provided always, and be it further enacted, That when any of His Majesty's Horse or Dragoons, or any other Horses as aforesaid, shall be quartered or billetted upon the Owner or Owners, Occupier or Occupiers of any Alehouse, Victualling House, or other House in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables; then and in such Case, and upon Complaint made by the Person or Persons having no Stables to Two or more Justices of the Peace of the Division, City, or Liberty where such Horse or Dragoons or other Horses shall be so quartered and billetted, and upon his or their making such Allowance, in lieu of his or their quartering such Horse or Dragoons or other Horses, as such Justices shall think reasonable, it shall and may be lawful for such Justices to order the Men and their Horses, or such Horses only, as the Case may be, to be removed and quartered upon some other Person or Persons who by

by this Act are liable to have Officers and Soldiers quartered and billetted upon them, who have Stables, and to order and settle a proper Allowance to be made by the Person or Persons having no Stables, in lieu of his or their quartering such Horse or Dragoons or other Horses so to be removed as aforesaid; and also to order and direct that such Allowance shall be paid by the Person or Persons from whom such Men and Horses shall be removed, to or amongst the Person or Persons to whom such Men and Horses shall be so removed as aforesaid, or be applied in the furnishing of Quarters for the Reception of such Men and Horses, as the Case may require, and as such Justices shall think fit.

Dragoons, &c. and their Horses, to be billetted in the same Houses.

LX. And whereas great Inconveniences have arisen and may arise in such Places where Horse or Dragoons are or may be quartered, by the billetting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act; be it therefore enacted, That in all Places where Horse or Dragoons shall be quartered or billetted in pursuance of this Act, for the future, the Men and their Horses shall be billetted in one and the same House (except in case of Necessity); and that in no other Case whatsoever there be less than one Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in such Case each Man shall be billetted as near his Horse as possible.

Manner of changing Men and Horses.

LXI. And whereas some Doubts have arisen whether Commanding Officers of any Regiment, Troop, or Company may exchange any Men or Horses quartered in any Town or Place, with another Man or Horse quartered in the same Place, for the Benefit of the Service; be it declared and enacted, That such Exchange as above mentioned may be made by such Commanding Officer respectively, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such House or Houses; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

Penalty on Officers taking Money to excuse any Person from quartering.

LXII. Provided always, and be it enacted, That if any Officer shall take or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Soldiers, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

Penalty on Constables, &c. taking Money to excuse any Person from quartering;

LXIII. And be it further enacted, That if any High Constable, Constable, Beadle, or other Officer or Person whomsoever, who by virtue or colour of this Act shall quarter or billet, or be employed in quartering or billetting any Officers or Soldiers in any Part of the United Kingdom, shall neglect or refuse to quarter or billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the

Arrival of such Troops; or shall receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on account of excusing, or in order to excuse any Person or Persons whomsoever from quartering or receiving into his, her, or their House or Houses any such Officer or Soldier; or in case any Victualler, or any other Person liable by this Act to have any Officer or Soldier billetted or quartered on him or her, shall refuse to receive or to afford proper Accommodation to, or to victual any such Officer or Soldier so quartered or billetted upon him or her as aforesaid, or shall refuse to furnish or allow according to the Directions of this Act the several Things respectively directed to be furnished or allowed to Non-commissioned Officers or Soldiers so quartered or billetted on him or her as aforesaid; or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse so quartered or billetted on him or her as aforesaid, at the Rate that is or shall be established by any Act or Acts in force in that respect, and shall be thereof convicted before One or more Justice or Justices of the Peace of the County, City, or Liberty within which such Offence shall be committed, either by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered to administer), every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit for every such Offence the Sum of Five Pounds, or any Sum of Money not exceeding Five Pounds nor less than Forty Shillings, (as the Justice or Justices before whom the Matter shall be heard shall in his or their Discretion think fit); to be levied by Distress and Sale of the Goods of the Person so offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within the County, or City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; which said Sum of Five Pounds, or the said Sum not exceeding Five Pounds nor less than Forty Shillings, when levied, shall be applied in the first Place in making such Satisfaction to any Soldier for the Expence he may have been put to by reason of his not being billetted or quartered as aforesaid, as such Justice or Justices shall order and direct, and the Remainder shall be paid to the Overseers of the Poor of the Parish if in *England*, and to the Churchwardens of the Parish if in *Ireland*, wherein the Offence shall be committed, or to some one of them, for the Use of the Poor of the said Parish.

and on Victuallers refusing to quarter Soldiers.

Penalty how to be levied and applied.

Justices may order Constables to give an Account of the Number of Soldiers quartered, &c.

LXIV. And for the better preventing Abuses in quartering or billetting the Soldiers in pursuance of this Act, be it further enacted, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace within their respective Counties, Cities, or Liberties, in any Part of the United Kingdom, by Warrant or Order under his or their Hand and Seal or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officer who shall quarter or billet any Soldier in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices requiring the same,

of the Number of Officers and Soldiers who shall be quartered or billetted by them, and also the Names of the Housekeepers or Persons upon whom every such Officer or Soldier shall be quartered or billetted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses; to the end that it may appear to the said Justice or Justices where such Officers and Soldiers are quartered or billetted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billetting of them.

Justices may extend Routes and enlarge Quarters.

LXV. Provided always, and be it further enacted, That it shall be lawful for any Justice of the Peace, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Quarters or Billets, in any Case in which it shall appear to such Officer or Justice that better Accommodation can be given to the Troops by extending any Route or enlarging the District within which Quarters and Billets shall be required, to enlarge such Route, and extend such Quarters and Billets, in such Manner as shall be most convenient to the Troops to be quartered and billetted; any thing in this Act or any other Act, or any Law or Custom to the contrary notwithstanding.

Officers and Soldiers to pay Rates for their Diet.

LXVI. Provided also, and it is hereby enacted, That the Officers and Soldiers so quartered and billetted as aforesaid, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several Rates that are or shall be established by any Act or Acts in force in that respect.

If Innholders furnish the Men quartered on them with Candles, Salt, &c. gratis, the Men (except when on a March, &c.) shall provide their own Victuals and Small Beer.

LXVII. Provided always, and be it further enacted, That in case any Innholder or other Person on whom any Non-commissioned Officers or Private Men shall be quartered by virtue of this Act (except on a March or employed in recruiting, and likewise except the Recruits by them raised, for the Space of Seven Days at most for such Non-commissioned Officers and Soldiers who are recruiting and the Recruits by them raised,) shall be desirous to furnish such Non-commissioned Officers and Soldiers with Candles, Vinegar, and Salt, *gratis*, and allow to such Non-commissioned Officers or Soldiers the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then and in such Case the Non-commissioned Officers and Soldiers so quartered shall provide their own Victuals and Small Beer; and the Officer to whom it belongs to receive, or that does actually receive the Pay and Subsistence of such Non-commissioned Officers and Soldiers, shall pay the several Sums to be payable out of the Subsistence Money for Diet and Small Beer, to the Non-commissioned Officers and Soldiers as aforesaid, and not to the Innholder or other Person on whom such Non-commissioned Officers and Soldiers are quartered; any thing herein contained to the contrary notwithstanding.

LXVIII. And

Officers receiving the Pay to settle the Demands of Innkeepers.

LXVIII. And that the Quarters both of Officers and Soldiers may hereafter be duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted, That from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, every Officer to whom it belongs to receive or that does actually receive the Pay or Subsistence Money, either for a whole Regiment, or particular Troops and Companies, or otherwise, shall every Four Days, or before the Troop shall quit their Quarters, if they shall not remain so long as Four Days, settle the just Demands of all Persons keeping Inns or other Places where Officers or Soldiers are quartered by virtue of this Act, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to either of them respectively: And if any Officer or Officers as aforesaid shall not satisfy, content, and pay the same, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters were, (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer,) the Secretary at War is hereby required and authorized (upon Certificate of the Justices before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to give Orders to the Agent of the Troop or Company to pay and satisfy the said Sums, and to charge the same against such Officer or Officers.

Penalty on Officers not satisfying Accounts which shall be charged against them by the Agent.

If Quarters are not paid for before the marching of the Troops, Certificate of the Amount to be transmitted to the Agent.

LXIX. And be it further enacted, That in case any Troop or Company being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodgings of the Men and Stabling for the Horses, every such Officer shall before his Departure make up the Account with every Person with whom such Troop or Company may have been quartered, and sign a Certificate thereof, which Account and Certificate shall be transmitted to the Agent of the Regiment, that immediate Payment may be made, which he is hereby required to make accordingly, and to charge the same to the Account of such Officer.

Soldiers Wives, &c. not to be quartered without Consent.

Penalty.

LXX. And be it further enacted, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall at any Time during the Continuance of this Act quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any such Houses, against the Consent of the Owners, the Party offending, if any Officer of the Army, shall, upon being convicted thereof before a General Court-martial, be cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied by Warrant of such Justice by Distress and Sale of such Offender's Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same.

Licences may be granted for keeping Canteens.

LXXI. And be it further enacted, That it shall be lawful for any Two Justices of the Peace, or any Two Magistrates within their respective Jurisdictions, to grant or transfer any Licence for selling Ale by Retail, or Cider or Perry, to be drank or consumed in any House or Houses,

Houses, or Premises where more Houses or Premises than one shall be held together by the same Person or Persons as a Canteen, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquor by Retail, to any Person or Persons applying for the same, who shall hold any Canteen under any Lease thereof, or any Agreement or other Authority from any Two of the principal Officers of the Board of Ordnance, or from any Two of the late Commissioners for the Affairs of Barracks, or from the Comptroller or other proper Officer of the Barrack Department, without regard to the Time of Year, or any Notices or Certificates specified or required in relation to the applying for or granting any such Licences, any thing in any Act or Acts to the contrary notwithstanding; and it shall also be lawful for His Majesty's Commissioners of Excise in *England*, *Ireland*, and *Scotland* respectively, or any Person appointed or employed by the said Commissioners in *England* or *Ireland* respectively in that Behalf, or for any Collectors or Supervisors of Excise, within their respective Districts, and they are hereby required to grant Licences for selling Beer or Ale by Retail, or Cider or Perry, to be drank or consumed in the Houses or Premises occupied as a Canteen of the Person or Persons applying for such Licence, or any Licence to sell Spirituous Liquors or Strong Waters, or Wine or Liquors by Retail, to any such Person or Persons who shall hold any such Canteen under any such Licence or Transfer of any such Licence of any Justice or Magistrate as aforesaid; and it shall also be lawful for any Person or Persons holding any such Canteen under any such Lease, Agreement, or Authority as aforesaid, and having such Licence as aforesaid, to keep such Canteen, and to utter and sell therein, and in the Premises thereto belonging, and not elsewhere, Victuals and all such exciseable Liquors as he and they shall be licensed and empowered to sell under the Authority and Permission of any such Excise Licence as aforesaid, without being subject to any Penalty or Forfeiture; any thing in any Act or Acts to the contrary notwithstanding.

For ascertaining the last legal Settlement of Soldiers having Wives or Children.

LXXII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace or Magistrate for the County, Town, or Place where any Non-commissioned Officer or Soldier shall be quartered in any Part of the United Kingdom, in case such Non-commissioned Officer or Private Soldier have either Wife or Child or Children, to cause such Non-commissioned Officer or Soldier to be summoned before him, in the Town or Place where such Non-commissioned Officer or Soldier shall be quartered, in order to make Oath of the Place of his last legal Settlement, if such Non-commissioned Officer or Soldier shall belong to any Parish or Place in that Part of *Great Britain* called *England*, (which Oath such Justice or Magistrate is hereby empowered to administer); and such Non-commissioned Officer or Private Soldier as aforesaid is hereby directed to obey such Summons, and to make Oath accordingly; and such Justice or Magistrate is hereby required to take the Examination of such Non-commissioned Officer or Soldier in Writing, and to give an attested Copy of the Examination so taken before him to the Person so examined, to be by him delivered to his Commanding Officer, in order to be produced when required; which said Examination and such

attested Copy shall be at any Time admitted in Evidence, as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Sessions of the Peace, although such Non-commissioned Officer or Soldier be dead or absent from the Kingdom: Provided always, that in case any Non-commissioned Officer or Private Soldier shall be again summoned to make Oath as aforesaid, then on such Examination or such attested Copy thereof being produced by him, or by any other Person on his Behalf, such Non-commissioned Officer or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

For the providing Carriages for the Forces marching in England and Ireland.

LXXIII. And be it further enacted, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Clothes, or Accoutrements, in *England*, *Ireland*, and *Wales*, and the Town of *Berwick-upon-Tweed*, all Justices of the Peace, within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, *Wales*, or *Berwick-upon-Tweed*, or by an Order from the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or from the Officer commanding His Majesty's Forces in *Ireland*, or other Person duly authorized in that Behalf, shall, as often as such Order is brought and shewn unto One or more of such Justices by the Quartermaster, Adjutant, or other Officer or Non-commissioned Officer of the Regiment, Detachment, Troop, or Company so ordered to march, issue out his or their Warrant or Warrants to the Constables or Petty Constables of, or to any Constable or Constables acting or having Authority to act in the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be ordered to march, for each of which Warrants the Fee of One Shilling only shall be paid; requiring them to make such Provision of Carriages and Horses, or Oxen, with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen; and specifying in such Warrants the Place or Places from and to which the said Carriages shall, by virtue of such Orders as aforesaid, be required to travel, also specifying the Number of Miles between the Places, for which Number of Miles only so specified Constables or Petty Constables are authorized to demand Payment, which shall not exceed the Day's March of the Troops, as prescribed in the Order produced to the Magistrates, unless in case of pressing Emergency or Necessity, and shall in no case whatever exceed Twenty-five Miles from the Place at which the March shall commence; and in case sufficient Carriages cannot be provided within any such Liberty, Division, or Precinct, then the Justice or Justices of the Peace of the next adjoining County, Riding, or Division shall, upon such Order as aforesaid being brought or shewn to One or more of them by any of the Officers aforesaid, issue his or their Warrant to the Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct,

Warrants to specify the Places to which the Carriages shall travel, and the Number of Miles, &c.

cinct, as shall be most convenient for the Purposes aforesaid, according to their respective Jurisdictions, to make up such Deficiency: And the aforesaid Officer or Officers, who by virtue of the aforesaid Warrant from the Justices of the Peace are to demand the Carriage or Carriages therein mentioned of the Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the Sums herein-after mentioned respectively, for which respective Sums so received the said Constable or Petty Constable is hereby required to give a Receipt in Writing (which Receipt need not be stamped) to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having Carriages within their respective Liberties, as they shall think proper, to provide and furnish such Carriages and Horses and Oxen and Men, according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly; and no Person owning or driving or causing to be driven any such Waggon, Wain, Cart, or other Carriage, shall be subject to any Penalty or Forfeiture, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained, by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner of such Waggon, Wain, Cart, or other Carriage, to put any additional Number of Horses or Oxen to those prescribed or paid for under this Act; any thing in any Act or Acts relating to Highways or Turnpike Roads, or any particular Highway or Road, to the contrary notwithstanding: And if any Military Officer or Officers, for the Use of whose Regiment, Detachment, Troop, or Company the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage to travel beyond the Distance specified in the Magistrate's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, or shall suffer any Soldier or Servant (except such as are sick), or any Woman, to ride in the Waggon, Wain, Cart, or Carriage as aforesaid; or shall force any Constable or Petty Constable, by threatening or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners, by themselves, Servants, or Soldiers, every such Officer for every such Offence shall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Secretary at War, who is hereby authorized and required to give Orders for the Payment of the aforesaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County or Riding, and for deducting the same out of such Officer's Pay.

Penalty on Officers forcing Waggons to travel more than Magistrate's Warrant specifies, &c.

LXXIV. And be it further enacted, That the Sums to be paid into the Hands of such Constable or Petty Constable in *England*, *Wales*, and *Berwick-upon-Tweed*, shall be according to the following Rates; that is to say, the Sum of One Shilling for every Mile any Waggon with Four or more Horses shall travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses,

Rates to be paid for Carriages in England.

Horses, shall travel; and the Sum of Nine-pence for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses respectively, or carrying not less than Fifteen Hundred Weight, shall travel; and the Sum of Sixpence for every Mile every Cart or other Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; or any further Sum not exceeding Four-pence for every Mile any Waggon with Four or more Horses, or any Wain with Six Oxen, or with Four Oxen and Two Horses, shall travel; and not exceeding Three-pence for every Mile any Cart with Four Horses, or carrying not less than Fifteen Hundred Weight, shall travel; and not exceeding Two-pence for every Mile any Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel; such further Sum of Four-pence, Three-pence, or Two-pence respectively, or such Proportion of those Rates as may be deemed fair and reasonable, to be fixed and ordered by the Justices of the Peace for any County or District, assembled at any General Sessions of the Peace for such County or District, the said Justices having regard to the Price of Hay and Oats, and specifying in their Order the Average Price thereof at the nearest Market Town at the Time of fixing such additional Rates: Provided always, that in Cases where the Day's March shall exceed Fifteen Miles, such further Compensation shall be made and paid in like Manner to the Owners of the said Carriages as shall be deemed reasonable by the Magistrate who granted the Warrant for impressing them, not exceeding the usual Rate and Hire of such Carriages: Provided always, that every Order of the Justices assembled at any General Sessions of the Peace, fixing a further Sum to be paid for the Hire of Carriages as aforesaid, in addition to the customary Rates of One Shilling, and Nine-pence, and Sixpence *per* Mile respectively, shall specify the Period for which the same shall be in force, and which shall not in any Case exceed Ten Days beyond the General Sessions of the Peace of such County or District next ensuing the Date of such Order; and a Copy of every such Order, signed by the Chairman or presiding Magistrate and One other Justice of the Peace or Magistrate at the Quarter Sessions at which the same shall be made, shall within Three Days after the making thereof be transmitted to the Secretary at War; and no such Order shall be valid or effectual unless a Copy thereof be so signed and transmitted as aforesaid: Provided also, that in every Case of any further Sum being allowed as aforesaid for the Hire of any Carriage, the Justice of the Peace granting or signing the Warrant shall insert, in his own Hand, the Amount of such further Sum for each Description of Carriage, as so authorized by the Justices at the Quarter Sessions as aforesaid, and the Date of the Order of the said Justices; and such Warrant shall be given to the Officer or Non-commissioned Officer commanding the Regiment, Corps, Company, Detachment, or Party requiring such Carriages, as his Voucher for the Payment of such further Sum; and no further Sum shall be demanded but such as shall be so inserted by the Justice in the Warrant.

For providing Carriages at Places at a Distance.

LXXV. And whereas great Inconvenience often arises from there being no Justice of the Peace or Magistrate residing near to Places specified in Routes at which Soldiers are to halt, and be billetted and quartered

quartered on the March, to issue Warrants for the providing of Carriages; for Remedy whereof be it enacted, That it shall be lawful for any Constable, Tithingman, or Headborough, duly authorized for that Purpose by Warrant under the Hand and Seal of any Justice or Justices of the Peace residing nearest to such Place or Places, to make and give Orders for the providing of Carriages for the Baggage of Soldiers on March, and to appoint Persons having Carriages within their respective Liberties or Jurisdictions to provide and furnish such Carriages, without having any special or particular Warrant for that Purpose; and all such Orders and Appointments shall be, and be deemed to be as valid and effectual in all respects, and to all Intents and Purposes, as if the same had been made and given by the Justice or Justices of the Peace having such Authority: Provided always, that every such Justice of the Peace shall, at the Time of giving such Warrant and Authority, and thereafter once in each Year, or oftener if necessary, cause a List or Lists to be made out, of all Persons liable to furnish such Carriages, under such Warrant, and of the Number and Description of Carriages belonging respectively to the Persons so liable to be required to furnish Carriages for Baggage, or for Troops on the March; and such Lists shall, at all seasonable Hours, be open to the Inspection of all Persons whose Names shall be inserted therein; and all Orders and Appointments for such Carriages shall be made and taken from such Lists in regular Rotation, as far as the same can be done, so as that the providing such Carriages shall be equally distributed among the several Persons liable to furnish the same under the Provisions of this Act.

from the Residence of any Justice of the Peace.

LXXVI. And whereas, from various local Circumstances, the Rates of Carriage in *Ireland* cannot be regulated in the same Manner as the Rates in *England*; be it therefore enacted, That the Sums to be paid in that Behalf in *Ireland* shall be as follows; (that is to say), for every Hundred Weight which the Owner or Owners of any Wheel Carriage shall take as Loading on such Wheel Carriage, the Sum of One Halfpenny for every Mile or reputed Mile he or they shall therewith march; or if the Price of Hay and Oats shall render a further Allowance necessary, then such further Sum as shall be fixed by the Justices of the Peace for any County or District, not exceeding One Halfpenny a Mile for every Three Hundred Weight which such Carriage shall take, but such further Allowance shall not continue in force longer than until the next succeeding General Quarter Sessions of the Peace, unless it be then continued by the Justices at such Sessions; and that the said Sums respectively shall be paid to such Owner or Owners respectively, or to their Carmen or Draymen respectively; and that every such Payment shall, if required, be made in the Presence of a Justice of the Peace, Constable, or Petty Constable.

Rates of Carriage in Ireland.

LXXVII. And whereas it may sometimes become necessary, in Cases of Emergency, to provide proper and speedy Means for the Carriage and Conveyance not only of the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of and belonging to His Majesty's Forces in their Marches, but also to the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to such Forces:

In Cases of Emergency Justices may be required to issue Warrants for providing Saddle Horses and

Four-wheeled Carriages let to Hire, and also Vessels.

And whereas it is expedient that Provision should be made for enforcing prompt Obedience to such Orders as His Majesty or the Lord Lieutenant or other Chief Governor in *Ireland* may in such Cases think fit to issue in pursuance of the Powers by Law vested in him for the Advancement of the general Good and public Welfare of the Realm; be it therefore further enacted, That it shall be lawful for His Majesty, or such Lord Lieutenant or Chief Governor or Governors in *Ireland*, by His or their Order, distinctly stating that such Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary, or in his Absence by the Under Secretary for the Civil Department, or the First Clerk in the Military Department for the Time being, to any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Agent for the Supply of Stores and Provisions at Home, or Person acting in that Capacity, to authorize such General or Field Officers or Agent as aforesaid, or Person aforesaid, by Writing under his Hand, reciting such Order of His said Majesty, or Lord Lieutenant or Chief Governor aforesaid, to require all Justices of the Peace within their several Counties, Ridings, Divisions, Cities, Liberties, and Precincts in *England*, *Ireland*, *Wales*, and the Town of *Berwick-upon-Tweed*, to issue his or their Warrant or Warrants for any of the Purposes herein-after mentioned; and such Justice or Justices shall, when and as often as such Requisition in Writing as last mentioned shall be brought and shewn unto any One or more of such Justices, by the Quartermaster, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company so ordered to be conveyed, or by any Officer in the Commissariat Department, to issue out his or their Warrant or Warrants to the Constable or Petty Constables of the County, Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be so ordered to be conveyed, requiring them to make such Provision, not only of Waggons, Wains, Carts, and Cars, kept by or belonging to any Person or Persons, and for any Use or Purpose whatsoever, but also of Saddle Horses, Coaches, Chaises, and other Four-wheeled Carriages usually let to Hire, or kept for that Purpose; and also of Boats, Barges, and other Vessels used for the Carriage of Coals, Stone, Lime, Manure, or of Goods, Wares, or Merchandizes, or any other Articles or Commodity whatsoever, upon any Canal or navigable River, with able Men and Horses to drive, navigate, and draw the same, as shall be mentioned in the said Warrant or Warrants, therein specifying the Place or Distance to which such Horses, Carriages, Boats, Barges, or other Vessels, and Men, shall go and be conveyed, and allowing such Constables sufficient Time to make such Provisions, that the neighbouring Parts may not always bear the Burthen; and in case such sufficient Carriages, Horses, Boats, Barges, or other Vessels, and Men, cannot be provided within any such County, Riding, Division, Hundred, City, Liberty, or Precinct, then the next Justice or Justices of the Peace of the next County, Riding, Division, City, Liberty, or Precinct shall, upon such Requisition in Writing as last aforesaid being brought or shewn to any One or more of them by any of the Officers aforesaid, issue his or their Warrant or Warrants to the Constables or Petty Constables of such next County, Riding, City, Liberty, Division, Hundred, or Precinct, for the Purposes last aforesaid, to make up such Deficiency; and the aforesaid Officer or Officers,

who by virtue of the aforesaid Warrant or Warrants from the Justice or Justices of the Peace, are to demand the Carriages, Horses, Boats, Barges, or other Vessels therein mentioned, of the Constable or Petty Constable to whom the said Warrant or Warrants shall be directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person or Persons who shall provide such Carriages, Horses, Boats, Barges, or other Vessels, and Men, such reasonable Sum and Sums of Money as the said Justice or Justices shall in and by his or their said Warrant or Warrants order and direct, not exceeding the usual Rate and Hire of such and the like Carriages, Horses, Boats, Barges, or other Vessels, and Men, according to the Length of the Journey or Voyage in each particular Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, (which Duty or Tolls are hereby declared not to be demandable or payable in such and the like Cases, for any such Carriages, Horses, Boats, Barges, and other Vessels, whilst employed in such Service, or returning therefrom;) for which said respective Sum and Sums so received, the said Constable or Petty Constable is hereby required to give a Receipt in Writing (but without any Stamp) to the Person or Persons paying the same; and such Constable or Petty Constable shall order and appoint such Person or Persons having such Horses, Carriages, Boats, Barges, or other Vessels, and Men, within their respective Liberties, as they shall think proper, to provide and furnish such Horses, Carriages, Boats, Barges, or other Vessels, and Men, according to the Warrant or Warrants aforesaid, who are hereby required to provide and furnish the same accordingly; and it shall and may be lawful in such Cases to and for all and every Military Officer and Officers, for the Use of whom, or of whose Regiment, Detachment, Troop, or Company, such Horses, Carriages, Boats, Barges, or other Vessels shall be provided, in such Cases to carry and convey, and permit to be carried and conveyed, on the same respectively, not only the Arms, Clothes, Accoutrements, Baggage, Tents, and other Equipage of such Regiment, Detachment, Troop, or Company, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same, any thing herein contained to the contrary thereof notwithstanding; but if any such Officer or Officers shall force and constrain any Horse, Carriage, Boat, Barge, or other Vessel to travel or proceed beyond the Distance or Place to be allowed and specified in such Warrant or Warrants, without the special Licence or Order of One or more other such Justice or Justices of the Peace in that Behalf, and which Licence or Order One or more of such Justices is and are hereby authorized and required to give and make at his and their reasonable Discretion, every such Officer for every such Offence shall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, Division, City, Liberty, or Precinct, who are to certify the same to the Secretary at War, who is hereby authorized and required to give Order for Payment of the aforesaid Sum of Five Pounds according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County, Riding, Division, City, Liberty, or Precinct, and for deducting the same out of such Officer's Pay.

Officers demanding them to pay for their Hire such Sums as the Justices shall direct.

Constable to give a Receipt without Stamp, and to order the Horses, &c. to be provided.

Horses to convey Arms, Clothes, Accoutrements, Baggage, Equipage, Officers, Soldiers, Women, &c.

Penalty on Officers forcing Horses, &c. to travel beyond the Distance specified in Warrant without Licence.

LXXVIII. Pro-

No Waggon or Carriage to carry above 30 Cwt.

LXXVIII. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impressed by Authority of this Act, shall be liable or obliged by virtue of this Act to carry above Thirty Hundred Weight; any thing in this Act contained to the contrary notwithstanding.

Owners of Carriages in Ireland not obliged to take Loading till it is weighed.

LXXIX. Provided also, and be it further enacted, That no Owner of any such Carriage in *Ireland* shall be compelled or obliged to take any Loading until the same shall be first duly weighed at the Expence of the Owner or Owners of such Carriage, if he or they shall think fit, and if the same can be done in a reasonable Time without Let or Hindrance of His Majesty's Service; and if any Officer requiring such Carriage shall force or compel the Owner to take any Loading until the same shall be first duly weighed, if the same can be done in a reasonable Time as aforesaid, or shall, contrary to the Will of the Owner of such Carriage, or his Servant, put or permit any Person whatsoever to put any greater Load upon any Carriage than is herein-after directed, either at the Time of Loading or on the March, every such Officer shall for every such Offence forfeit the Sum of Twenty Shillings to the Party injured, upon such Proof and in such Manner as is herein-before appointed.

Limiting the Weight which Carriages impressed in Ireland shall be obliged to carry.

LXXX. And be it further enacted, That no Car impressed by Authority of this Act in *Ireland* shall be liable or obliged to carry above Six Hundred Weight, and that no Dray so impressed shall be liable or obliged to carry more than Twelve Hundred Weight, and if the Owner shall consent to carry above Six Hundred Weight, or Twelve Hundred Weight respectively, on any Carriage, he shall be allowed and paid at the Rate aforesaid for every Hundred above the Weight of Six Hundred Pounds, or Twelve Hundred Pounds, put on his Carriage, according to the Nature and Description thereof; and the Owner or Owners of such Carriage or Carriages shall not be compelled or obliged to proceed with such Carriage or Carriages, under the Sum of Three-pence for each Mile or reputed Mile for each Car, or Sixpence a Mile for each Dray, at the least, in case he or they shall be required to carry a less Weight on such Carriage or Carriages than the Weights herein-before appointed for the same respectively.

Notice to be given to the Lord Mayor of Dublin, before the March of Troops out of that City, to provide Carriages.

LXXXI. And be it further enacted, That whenever any Troops or Companies of Soldiers shall receive Orders to march from *Dublin*, and that it shall be necessary to impress Carriages for that Purpose, Notice shall be given to the Lord Mayor of the City of *Dublin* at least Twenty-four Hours before the March of such Troops or Companies of Soldiers out of the said City, or, in case of Emergency, as long before such March as the Nature of the Case shall permit, of the Number of Troops, Companies, or Soldiers appointed to march; whereupon the Lord Mayor for the Time being shall summon a proportionable Number of Cars or Drays, or either of them, at his Discretion, out of the Licensed Cars, Drays, and other Cars and Drays, within the County of the said City, and so from Time to Time the said Cars and Drays are by Turns to be employed in carrying the Baggage of such Troops or Companies, at the Prices and under the Regulations herein-before mentioned; and it is hereby directed that no Country Cars,

Cars, Drays, or other Carriages coming to any of the Markets in *Ireland*, shall be detained or employed against the Will of the Owners, in carrying the Baggage of the Army, on any Pretence whatsoever.

Penalty on Constable, &c. for Neglect.

LXXXII. And be it further enacted, That if any High Constable or Petty Constable shall wilfully neglect or refuse to execute such Warrant or Warrants of the Justices of the Peace as shall be directed unto them for providing Carriages, Horses, Boats, Barges, and other Vessels as aforesaid; or shall demand or receive, for the Use of the Owners furnishing such Waggons, Wains, Carts, Cars, or Carriages, more than the Rates herein-before allowed respectively; or if any Person or Persons appointed by such Constable or Petty Constable to provide or furnish any Carriage, Man, Horse, Boat, Barge, or other Vessel, shall refuse or neglect to provide the same; or if such Person or Persons, or any other Person or Persons whomsoever, shall wilfully do any Act or Thing whereby the Execution of any such Warrant shall be hindered or frustrated, every such Constable, or other Person or Persons so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to the Use of the Poor of such Parish or Parishes adjoining to the Parish where such Offence shall be committed, as shall be fixed upon by the Justice or Justices by whom such Offence shall be inquired of, heard, and determined: And all and every such Offence and Offences shall and may be inquired of, heard, and finally determined by any One of His Majesty's Justices of the Peace dwelling in or near the Place where any such Offence shall be committed, who has hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owners.

One Third of Rate to be paid before Carriages proceed on the March.

LXXXIII. And be it further enacted, That the Officer commanding the Party for whose Use any such Carriage or Horse shall be impressed in *Ireland* is hereby required, before the Owner of any Carriage or Horse in *Ireland* shall be compelled to take any Loading, or be forced to proceed on the March with his Carriage, to pay or cause to be paid down in Hand to the Owner of such Carriage or Horse, or to his Servant, One Third Part of the full Sum to which the Owner of such Carriage or Horse would be entitled for the March in the said Warrant directed to be made, according to the Rate so fixed for the same as aforesaid; and every such Payment shall be made, if required, in the Presence of a Justice of the Peace, Constable, or Petty Constable.

Officers and Soldiers, &c. on Duty, and Carriages, &c. employed in His Majesty's Service, exempted from Payment of Tolls;

LXXXIV. And whereas in consequence of certain Exemptions from Toll expressly allowed by several Acts for His Majesty's Forces on their March or on Duty, and for the Horses and Carriages attending them, Doubts have arisen whether in all Cases not so exempted, the Horses and Soldiers, and the Carriages and Horses belonging to His Majesty, or employed in His Majesty's Service, and returning therefrom, may not be charged with the Payment of Tolls; therefore, for obviating such Doubts, it is hereby enacted and declared, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental Uniform, and their Horses, on Duty or on their March, and all Carriages and Horses belonging

to His Majesty, or employed in His Service, and returning therefrom, or employed in His Service, when conveying the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Forces on their Marches, or any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning therefrom, were and are and shall be exempted from Payment of any Duties and Tolls otherwise demandable by virtue of any Act already made, or hereafter to be made, for Persons, Horses, or Carriages, or any Baggage of any Troops embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, unless by such Act it has been or shall be expressly provided that the said Officers, Soldiers, Carriages, and Horses are and shall be liable equally with others to the Duties and Tolls therein authorized to be demanded and taken: Provided always, that nothing herein contained shall exempt from the Payment of Tolls any Boats, Barges, or other Vessels employed in conveying the Officers, Soldiers, Servants, Women, Children, or other Persons of or belonging to His Majesty's Forces, or the Arms, Clothes, Accoutrements, Tents, Baggage, and other Equipage of or belonging to His Majesty's Forces, or any Military Stores, along any Canal; but the same shall be liable to Toll in like Manner as other Boats, Barges, and Vessels are liable thereto.

unless where it is provided that they are liable with others.

Treasurer of the County to repay the Constables extraordinary Charges.

LXXXV. And whereas the respective Sums of Money by this Act appointed to be paid to the Constables by the Officers demanding such Carriages, Horses, Boats, Barges, or Vessels, may not in many Cases be sufficient to answer the Charge and Expence of providing the same, insomuch that the said Constables may frequently be at great Charges over and above what is received by them of the said Officers, to the great Burthen of the Townships of which they are Constables, or else the Persons providing such Carriages are grievously oppressed: For Remedy whereof, and that the said Overplus Charge may be borne by each County or Riding at the general Charge of such County or Riding, be it further enacted, That the Treasurer or Treasurers of such respective County or Riding shall, without Fee or Reward, pay unto such Constable all and every such reasonable Sum or Sums of Money so by him paid or laid out for such Carriages, Horses, Boats, Barges, and other Vessels, over and above what was or ought to have been paid by the Officer requiring such Carriages, Horses, Boats, Barges, and other Vessels, out of the public Stock of such County or Riding, according to such Rates, Orders, Rules, and Directions as the Justices of the Peace in their Quarter Sessions assembled, within their respective Jurisdictions, shall from Time to Time during the Continuance of this Act make, direct, and appoint (which Orders shall be made without Fee or Reward); Regard being always had to the Season of the Year, and the Length and Condition of the Ways by and through which such Carriages, Horses, Boats, Barges, and other Vessels are to travel and pass.

The Money for that Purpose how to be raised.

LXXXVI. And in case the public Stock of the County or Riding be not sufficient, over and above the other Purposes for which it was

raised, to satisfy the extraordinary Charge of Carriages, Horses, Boats, Barges, and other Vessels before mentioned, it is hereby further enacted, That the said Justices of the Peace in the General Quarter Sessions shall have Power from Time to Time to raise Monies upon the respective Counties or Ridings, in such Manner as they now raise Monies for County Gaols and Bridges, to satisfy such extraordinary Charges of Carriages, Horses, Boats, Barges, and other Vessels.

Officers, &c. to be quartered in Scotland as the Laws in force at the Union direct.

LXXXVII. And be it further enacted, That it shall and may be lawful to quarter Officers and Soldiers in *Scotland* in such and the like Places and Houses as they might have been quartered in by the Laws in force in *Scotland* at the Time of its Union with *England*; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there as by the said Laws in force at the Time of the said Union was provided; and that no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

No Officer, &c. to be quartered upon any Foreign Consul.

LXXXVIII. Provided always, and be it further enacted, That it shall not be lawful to quarter or billet, in any Part of the United Kingdom, any Officer or Soldier upon or in the House or Residence of any Foreign Consul duly accredited as such; any thing in this or any other Act or Acts, or Law or Custom, to the contrary notwithstanding.

Carriages in Scotland how to be provided.

LXXXIX. And be it further enacted, That the Carriages for the Service of the Forces from Time to Time quartered or marching in *Scotland* shall be provided in like Manner and at the Rates, and the Furnisher of such Carriages shall be paid, as was directed by the Law in force in *Scotland* at the Time of its Union with *England*: Provided always, that a Cart with One or more Horses, for which the Furnisher shall demand and receive the Sum of Nine-pence *per* Mile, shall be required to carry Fifteen Hundred Weight at the least.

How the Troops are to pay in passing over Ferries in Scotland.

XC. And be it further enacted, That where any Troop or Parties upon Command have Occasion in their March to pass regular Ferries in that Part of *Great Britain* called *Scotland*, it shall and may be lawful for the Commanding Officer either to pass over with his Party as Passengers, or to hire the Ferry Boat entirely to himself and his Party, debarring others for that Time, in his Option; and in case he shall choose to take Passage for himself and Party as Passengers, he shall only pay, for himself and for each Person, Officer or Soldier under his Command, Half of the ordinary Rate payable by single Persons at any such Ferry; and in case he shall hire the Ferry Boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and in such Places where there are no regular Ferries, but that all Passengers hire Boats at the Rate they can agree for, Officers with or without Parties are to agree for Boats at the Rate as other Persons do in the like Cases.

Penalty on Officers destroying Game or Fish.

XCI. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it further enacted, That if any Officer shall, without Leave first had and obtained in Writing from the Person or Persons entitled to grant such Leave,

Leave, take, kill, or destroy any Hare, Pheasant, Partridge, or any other Sort of Game, or any Fish, within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace, who is and are hereby authorized to hear and determine the same, every Officer so offending shall for every such Offence forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed.

Persons receiving Enlisting Money deemed to be enlisted.

XCII. And be it further enacted, That every Person who shall receive Enlisting Money from any Officer employed on the Recruiting Service, or from any Non-commissioned Officer or Private Soldier belonging to the Recruiting Party under the Command of such Officer, or from any Person employed on the Recruiting Service, he being an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and shall, while he shall remain with the Recruiting Party, be entitled to be billetted and quartered as a Soldier in His Majesty's Service; provided always, that every such Person so enlisted shall be entitled to all the Benefits herein contained for the Relief of Persons hastily enlisting themselves.

Oath and Attestation of Service to His Majesty to be taken to His Heirs and Successors.

XCIII. And whereas it is highly expedient that no Doubt should remain as to Service of Soldiers, by reason of any Omission of His Majesty's Heirs and Successors in any Oath of Attestation; be it therefore declared and enacted, That any Oath and Attestation of Service heretofore or hereafter taken and made to His Majesty is and shall be deemed and construed to be an Oath of Service to His Majesty's Heirs and Successors, as the Sovereign of the Realm for the Time being, as fully and effectually to all Intents and Purposes whatsoever as if the Words Heirs and Successors had been inserted in any such Oath or Attestation.

Clause for Relief of Persons hastily enlisting themselves.

XCIV. Provided always, and it is hereby enacted and declared, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, when and as often as any Person or Persons shall be enlisted as a Soldier or Soldiers in His Majesty's Land Service, he or they shall within Four Days, but not sooner than Twenty-four Hours, after such Enlisting respectively, be carried or go with some Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party by which he shall be enlisted, or with the Person employed on the Recruiting Service with whom he shall have enlisted, before some Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate, residing or being next to or in the Vicinity of the Place, and acting for the Division or District where such Person or Persons shall have been enlisted, and not being an Officer in the Army, and before such Justice or Chief Magistrate he or they shall be at liberty to declare his or their Dissent to such Enlisting; and upon such Declaration, and returning the Enlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, together with such full Rate allowed by Law for the Subsistence or Diet and Small Beer furnished to such Recruit subsequent to the Period of his having been

Such Persons not paying the Enlisting and Subsistence Money within the limited Time to be deemed

been enlisted, such Person or Persons so enlisting shall be forthwith discharged and set at Liberty in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his or their Dissent, to return and pay such Money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; and if such Person or Persons shall declare his or their having voluntarily enlisted himself or themselves, then such Justice or Chief Magistrate shall and he is hereby required forthwith to read over, or in his own Presence cause to be read over, to such Person or Persons, the Third and Fourth Articles of the Second Section, and the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and to tender and administer to such Person or Persons respectively, not only the Oath of Fidelity mentioned in the said Articles of War, but also the Oath mentioned in the Schedule to this Act annexed marked (A.), or if the Person shall be desirous of enlisting without any Limitation of Period of Service, the Oath in the Schedule to this Act annexed marked (B.); and if such Person or Persons shall take the said Oaths, then such Justice or Chief Magistrate shall and he is hereby required forthwith to certify under his Hand the Enlisting and Swearing, together with the Place of Birth, Age, and Calling, if known, of such Person or Persons, in the Form mentioned in the Schedule to this Act annexed marked (C.) if the Oath in the Form marked (A.) shall have been taken, and in the Form marked (D.) if the Oath in the Form marked (B.) shall have been taken; except in the Case of Recruits enlisting to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, in pursuance of an Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better recruiting the Forces of the* East India *Company*, in which Case every such Recruit shall, instead of the said Oath of Fidelity, and of the Oath contained in the Schedule (A.) or (B.) to this Act annexed, take the Oath of Allegiance directed by the said Act of the Thirty-ninth Year of His said late Majesty, and contained in the Schedule to this Act annexed marked (E.); and the Justice or Chief Magistrate shall certify such Enlistment and Swearing accordingly in the Form mentioned in the Schedule to this Act annexed marked (F.); and except also in the Case of Recruits enlisted for the special Purpose of serving in the *East Indies*, in the Forces of the *East India* Company only, in pursuance of an Act passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to amend Two Acts relating to the raising Men for the Service of the* East India *Company and the quartering and billetting such Men, and to Trials by Regimental Courts-martial*, in which Case every such Recruit shall, instead of the said Oath of Fidelity, take the Oath directed to be taken by the said Act of the Fiftieth Year of His said late Majesty, and contained in the Schedule to this Act annexed marked (G.), and instead of the Oath of Service contained in the Schedule (A.) or (B.) to this Act annexed, shall take the Oath directed to be taken by the said recited Act of the Fiftieth Year aforesaid, and contained in the Schedule to this Act annexed marked (H.), and the Justice or Magistrate shall certify such Enlistment and Swearing accordingly, in the Form in the Schedule

to be enlisted; in which Case, or if they enlist, the Justices to read over to them certain Sections of the Articles of War, and administer certain Oaths.

Recruits enlisted under 39 G. 3. c. 109. for the East India Company's Service, &c. shall take the Oath of Allegiance.

Recruits enlisted under 50 G. 3. c. 87. shall take the Oaths in Schedules (G.) and (H.)

to this Act annexed marked (I.); and if any such Person or Persons so to be certified shall wilfully refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer, from whom he received such Money as aforesaid, to detain and confine such Person or Persons, until he or they shall take the said Oath of Fidelity; and every Military Officer that shall act contrary hereto, or offend herein, shall incur the like Penalty and Forfeiture as is by this Act inflicted upon any Officer for making a false and untrue Muster; and the Penalty and Forfeiture shall be levied and recovered in the same Manner as any Penalties or Forfeitures are by this Act to be levied or recovered: Provided always, that every Non-commissioned Officer or Private Soldier, who shall enlist any Recruit, shall at the Time of such Enlisting enquire the Christian and Surname and Place of Abode of such Recruit, and either take the same down in Writing, or give the same to the Non-commissioned Officer commanding the Recruiting Party, to be so taken down: Provided also, that it shall be lawful for any Justice of the Peace to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Officer, Non-commissioned Officer, or Private Soldier belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Magistrate, upon the Examination of such Recruit or of any other Person, that the Recruiting Party has left the Place where such Recruit was enlisted, or that such Recruit could not procure any Non-commissioned Officer belonging to such Party to go with such Recruit before the Justice of the Peace; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice of the Peace, and paid when demanded to any Person belonging to the Recruiting Party entitled thereto demanding the same: Provided always, that in every Case wherein any Person shall have received Enlisting Money, and shall have absconded or have absented himself from the Party as aforesaid, so that it shall not be possible immediately to apprehend him and bring him before a Magistrate, the Officer or Non-commissioned Officer commanding the Party shall produce to the Magistrate, before whom the Recruit would regularly have been brought for Attestation, a Certificate of the Name and Place of Residence of such Person; and the Magistrate to whom the Certificate shall be produced shall, after satisfying himself that the Person who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, or, if in *Ireland*, to the Chief Secretary or Under Secretary for the Civil Department, or First Clerk in the Military Department, in order that, in the Event of such Person being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money and having absconded may be ascertained before he be finally adjudged to be a Deserter as having been duly enlisted.

Name and Residence of Recruits to be taken down.

Justices may discharge Persons hastily enlisting themselves, on paying the Enlisting Money.

Magistrates to transmit to the Secretary at War Duplicates of Certificates of the Name and Residence of Persons receiving Enlisting Money and absconding.

XCV. And be it further enacted, That if any Person or Persons shall receive the Enlisting Money from any such Officer, Non-commissioned Officer, Private Soldier, or other Person employed on the Recruiting Service (knowing it to be such), and shall abscond, or refuse to go before such Justice or Chief Magistrate; or if any Person having

Persons receiving Enlisting Money and absconding, &c. deemed duly enlisted.

having received any such Enlisting Money as aforesaid shall thereafter absent himself from the Recruiting Party with which he enlisted, or Person with whom he enlisted, and shall not voluntarily return to such Recruiting Party or Person enlisting him, to go before some Justice of the Peace or Magistrate, under the Provisions of this Act, within such Period of Four Days aforesaid; such Person shall be deemed to be enlisted, and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; nor shall any such Person, who shall not have remained with or shall not have returned to such Recruiting Party or Person enlisting him as aforesaid, be entitled to be discharged or be discharged by any Justice of the Peace or Magistrate after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice of the Peace that the true Name and Residence of the Person enlisted was disclosed and known to the Recruiting Party, and that no Notice was given to the Person enlisted, or left at his last usual Place of Abode, of his having so enlisted.

Recruits discharged previous to March 25, 1828, before the Expiration of 24 Hours after Enlistment, not to be proceeded against.

XCVI. And whereas many Justices and Chief Magistrates have erroneously discharged Recruits before the Expiration of Twenty-four Hours after the Time of their Enlistment: And whereas such Recruits are in consequence liable to be treated as Deserters through such Error of the Justice or Chief Magistrate, and without any evil Intention on their own Part; be it therefore enacted, That no such Recruit who shall have been so erroneously discharged by a Justice or Chief Magistrate previous to the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, shall be liable on that Account to be proceeded against as having absconded or deserted from His Majesty's Service.

Persons concealing Infirmities on enlisting may be transferred to Garrison, Veteran, or Invalid Battalions, or to the Marines.

XCVII. And be it further enacted, That any Person who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service, by reason of any Infirmity which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by His Majesty by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted; any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding.

Persons making false Representations for the Purpose of obtaining Bounty, guilty of obtaining Money under false Pretences.

XCVIII. And be it further enacted, That any Person who shall knowingly, wilfully, and designedly make any false Representation of any Particular contained in the Oaths respectively marked (A.) and (B.) and Certificates marked (C.) and (D.) in the Schedule to this Act respectively contained and annexed, before the Justice of the Peace or Magistrate at the Time of his Attestation, for the Purposes of obtaining and shall obtain any Enlisting Money or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed

deemed guilty of obtaining Money under false Pretence, within the true Intent and Meaning, if in *England*, of an Act passed in the last Session of Parliament, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and if in *Ireland*, of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Punishment of Persons who attain or attempt to attain Possession of Money or Goods by false Pretences or Threats;* and the Production of such Certificate, and Proof of the Handwriting of the Justice of the Peace giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice, at the Time of his being attested; and that Proof by the Oath of One or more credible Witness or Witnesses that the Person so prosecuted hath freely and voluntarily declared or acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him declared or acknowledged, without Production of any Roll or other Document to prove the same.

7 & 8 G. 4. c. 29.

26 G. 3. (I.)

Enlistment of a Militia Man into the Regulars or East India Company's Forces void.

Persons offering to enlist.

Before Recruits are attested, Justice shall read the Notice in Schedule (O.) &c.

Penalty on Militia Man denying that he belongs to the Militia.

XCIX. And be it further enacted, That if any Officer, Serjeant, Soldier, or other Person shall at any Time wilfully and knowingly enlist any Man to serve in His Majesty's Regular Forces, or in the Forces of the *East India* Company, who at the Time of such enlisting shall be enrolled or engaged to serve in the Militia, every such Enlisting shall be deemed null and void; and every Officer, Serjeant, Soldier, or other Person to whom any Person shall offer himself to enlist in His Majesty's Regular Forces, or in the Forces of the *East India* Company, shall ask such Person whether he does or does not belong to the Militia; and every Justice of the Peace or Magistrate, before whom any Person shall be taken for the Purpose of being attested under the Provisions of this Act, shall, before he shall attest or swear the Recruit, read or cause to be read to him the Notice contained in the Schedule to this Act annexed marked (O.), and shall examine him, as to whether he does or does not belong to the Militia, and shall require the Recruit to sign a Declaration in the Form in the said Schedule; and in case any Militia Man, at the Time of offering to enlist as aforesaid, shall deny to the Officer, Serjeant, or other Person recruiting for Men to enlist and serve in His Majesty's Regular Forces, or in the Forces of the *East India* Company, that he is, at the Time of his offering so to enlist, a Militia Man then actually enrolled and engaged to serve, or in case any Militia Man shall deny to the Justice of the Peace or Magistrate by or before whom he shall be taken to be sworn and attested, that he belongs to the Militia, every Militia Man so offending shall on Conviction thereof before any One Justice of the Peace of the County where the Offence was committed, or elsewhere in the United Kingdom, either upon Oath of One Witness, or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Declaration of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which

which such Person so offending is or shall be otherwise liable; and every Person so offending shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in the Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Such Militia Man to serve in the Regular Forces in the United Kingdom during the Time the Militia is disembodied.

C. Provided always, and be it further enacted, That it shall be lawful for any Two Justices of the Peace or Magistrates, before whom any Person shall be brought who has enlisted, and who shall be proved upon Oath before them and convicted of having wilfully concealed any such Infirmity upon being attested, or having knowingly, wilfully, and designedly made any such false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and such Person shall thereupon be subject to such Punishment as by and under any Statutes or Laws now in force may be inflicted upon Rogues, Vagabonds, and Vagrants, and incorrigible Rogues, to be adjudged by the Justices of the Peace or Magistrates so convicting any such Person as aforesaid.

Punishing Persons enlisting for wilfully concealing any Infirmity.

CI. And be it further enacted, That the Service of every Soldier, whether he shall have been or shall be enlisted for limited Service or for Life, shall, as to the reckoning Years of Service, for the Purpose of estimating any Increase of Pay or any Pension by reason of any Length of Service, under any Act or Acts, or under any Regulations made by His Majesty in relation to any such Increase of Pay or Pension, be deemed and construed to commence and be reckoned from the Quarter Days, that is to say, from the Twenty-fifth Day of *March*, the Twenty-fifth Day of *June*, the Twenty-fifth Day of *September*, and the Twenty-fifth Day of *December* respectively, immediately antecedent to the Day of enlisting, and not from the Day of Attestation; any thing in any Act or Acts, or Law or Regulation to the contrary notwithstanding: Provided always, that no Soldier shall be entitled to receive any Pay for any Period preceding the Day of his actual enlisting.

For reckoning the Service of Soldiers from the Quarter Day antecedent to the Date of their Enlistment.

CII. And whereas various Persons are in the Habit of advertising for Recruits for Regiments of the Line, the Embodied Militia, or for the Service of the Honourable the *East India* Company, and also under the Pretence of procuring Substitutes for the same, to the great Detriment of the Service; be it therefore further enacted, That all Persons whomsoever who shall advertise, post, or disperse, or cause to be advertised, posted, or dispersed, Bills for the Purpose of procuring Recruits or Substitutes, or shall open or keep any Houses or Place of Rendezvous purporting in any Manner whatever to be connected

Penalty on Persons advertising for Recruits without Authority.

with the Recruiting Service or Department, for the Line, Embodied Militia, or *East India* Company, or shall interfere or be concerned directly or indirectly in any Manner or Way therewith (except such Recruiting Parties as may be stationed under the Command and Direction of the respective Field Officers of Districts, without the express Permission in Writing of the Adjutant General, if for the Line or Embodied Militia, or of the Court of Directors if for the Honourable *East India* Company's Service), or shall receive any Person or Persons as aforesaid at his House or Office under any such Bill or Advertisement on any Pretence whatever, shall forfeit the Sum of Twenty Pounds for every such Offence; to be recovered on Conviction before a Magistrate, One Moiety to the Informer, and the other to the Poor of the Parish where such Information shall be laid; and on Default of Payment thereof shall be committed to the Common Gaol or other Public Prison, at the Discretion of the Magistrate, for any Period not exceeding Three Calendar Months, and not less than One Calendar Month, for each and every such Offence.

Penalty on Apprentices enlisting themselves.

CIII. And be it further enacted, That if any Person duly bound as an Apprentice shall enlist as a Soldier in His Majesty's Land Service, and shall state to the Justice of the Peace or Magistrate before whom he shall be carried that he is not an Apprentice, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to be imprisoned in any Gaol or House of Correction, and kept to Hard Labour for Two Years, may be indicted and punished for obtaining Money under false Pretences under the Provisions of the said recited Act of the last Session of Parliament, and shall after the Expiration of his Apprenticeship, whether such Person shall have been so convicted and punished or not, be liable to serve as a Soldier in any Regiment of His Majesty's Regular Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Forces.

In England Masters not entitled to claim Apprentices unless bound for a certain Period, and the Master shall take the Oath herein mentioned.

CIV. And be it further enacted, That no Master in *England* shall be entitled to claim any Apprentice who shall enlist as a Soldier in His Majesty's Land Service, unless such Apprentice shall have been bound to him in *England* for the full Term of Seven Years, not having been above the Age of Fourteen when so bound; and if in *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound; and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace or Magistrate, and before such Justice of the Peace or Magistrate take the Oath mentioned in the Schedule to this Act annexed, marked (K.), and produce the Certificate of such Justice of the Peace or Magistrate of his having taken such Oath, which Certificate such Justice of the Peace or Magistrate is hereby required to give in the Form in the Schedule to this Act annexed, marked (L.)

How Masters in Scotland shall proceed

CV. And be it further enacted, That no Master in *Scotland* shall be entitled to claim any Apprentice who shall enlist as a Soldier

in His Majesty's Land Service, unless such Apprentice shall have been bound to him for the full Term of at least Four Years by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; and unless such Master shall, within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace, and before such Justice of the Peace take the Oath mentioned in the Schedule to this Act annexed, marked (K.), and produce the Certificate of such Justice of the Peace of his having taken such Oath, which Certificate such Justice of the Peace is hereby required to give in the Form of the Schedule to this Act annexed, marked (L.): Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover any such Apprentice in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven Years in *England*, or Four Years in *Scotland*. to recover Apprentices.

CVI. Provided always, and be it further enacted, That no Master in *Scotland* shall be precluded from claiming any Apprentice who shall hereafter enlist, by reason of the Contract or Indenture not having been produced to a Justice of the Peace in the Manner directed by the Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, within the Time therein limited, provided the same shall be produced to any Justice of the Peace of the County wherein the Parties reside, and be indorsed as therein directed, at any Time within Three Calendar Months after the passing of this Act. Masters in Scotland not precluded from claiming Apprentices, if the Indenture be produced to a Justice within 3 Months.

CVII. And be it further enacted, That any Master of any Apprentice who shall have enlisted as a Soldier in His Majesty's Land Forces shall, upon his consenting to give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice as a Soldier, be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas, which shall be preserved in order to provide the said Recruit with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice. Masters of enlisted Apprentices consenting, entitled to receive a Part of the Bounty.

CVIII. And be it further enacted, That no Apprentice who shall be claimed by his Master shall be taken from the Regiment, Troop, or Recruiting Party with which he shall be, but under a Warrant granted by some Justice of the Peace or Magistrate of the County, Stewartry, Riding, Apprentices claimed by their Masters shall be carried before a Justice and committed.

Riding, Division, City, Liberty, or Place, and residing near to the Place where such Apprentice shall happen to be when so claimed; and it shall be lawful for such Justice of the Peace or Magistrate, and such Justice of the Peace or Magistrate is hereby required, on Proof on Oath of Notice having been given to the Officer commanding the Regiment, or Troop or Company, or the Recruiting Party with which such Apprentice shall then be, or some Non-commissioned Officer of such Recruiting Party, of such Warrant, and that a Copy thereof has been left with such Officer or Non-commissioned Officer, and of such Person being an Apprentice, and having enlisted and declared that he was no Apprentice, and on Production and Proof of the Indenture of Apprenticeship, to commit such Person so offending as aforesaid, if required so to do by such Officer or Non-commissioned Officer as aforesaid, to the Common Gaol of the County, Stewartry, Riding, Division, City, Liberty, or Place where such Person shall be at the Time when he shall be so claimed by his said Master, there to remain until he shall be discharged by due Course of Law, or, if not so required, to deliver such Apprentice to his Master.

Justices to examine upon Oath, and to keep the Indenture, to be produced on the Trial.

CIX. And be it further enacted, That it shall be lawful for the Justice of the Peace or Magistrate so residing near to the Place where the Apprentice shall be claimed as aforesaid, except in *Scotland* as herein-after mentioned, before whom such Person so offending shall be so taken as aforesaid, to examine into the Matters alleged against such Person upon Oath, and which Oath the said Magistrate is hereby empowered to administer; and also to keep in his Custody the Indenture of Apprenticeship, to be produced as Occasion shall require; and to bind over the Master claiming such Person, and any other Persons he may think proper, to give Evidence at the General or Quarter Sessions of the Peace, or Session of Oyer and Terminer, at which the Trial of such Person is herein-after directed to be had, against such Person so offending; and the Production of such Indenture of Apprenticeship, with the Certificate of the Justice of the Peace or Magistrate, that the same was proved before him, shall be sufficient Evidence of such Indenture of Apprenticeship.

Offenders shall be tried at the next Quarter Sessions;

CX. And be it further enacted, That every such Offender, except in *Scotland*, as herein-after mentioned, may and shall be tried at the General or Quarter Sessions of the Peace, or Sessions of Oyer and Terminer for the County, Riding, Division, City, Liberty, or Place wherein the Offence charged shall have been committed, next after such Offender's being brought before such Justice of the Peace or Magistrate as aforesaid, or the Sessions immediately succeeding such next Sessions, unless the Court shall think fit to put off the Trial on just Cause.

and in Scotland by the Judge Ordinary.

CXI. And be it enacted, That every such Offender in *Scotland* shall and may be tried by the Judge Ordinary in such County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment.

Gaoler to give previous Notice to the Secretary at

CXII. And be it further enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his

his Imprisonment, shall give One Month's Notice, or if there shall not be sufficient Time to give One Month's Notice, then a reasonable Notice, to the Secretary at War, or if in *Ireland* to the Chief Secretary, or in his Absence to the Under Secretary for the Civil Department, or the First Clerk in the Military Department, before the Day on which the Imprisonment of such Person will expire, according to his Commitment or Sentence, of the Period of Expiration of such Imprisonment.

War, &c, of the Expiration of the Imprisonment of Soldiers in his Custody.

CXIII. And be it further enacted, That no Person whatever, except an Apprentice, who has enlisted or shall enlist himself into His Majesty's Service as a Soldier as aforesaid, shall be liable to be arrested or taken out of His Majesty's Service by reason of the Warrant of any Magistrate or Magistrates, on account of any Breach of Contract or Engagement to serve or work for any Master or Employer whatsoever.

No Person, except an Apprentice, liable to be taken out of the Service for Breach of Contract.

CXIV. Provided always, and be it further enacted, That if any Person who shall have been hired to serve any Master for a Year or otherwise shall, before the Expiration of his Term of Service under such Hiring, enlist into His Majesty's Service, such Person shall be entitled to such Proportion of Wages as the Magistrate shall think proper from his Master, for the Time he has actually served under such Hiring, notwithstanding he shall have failed, in consequence of such Enlisting, in completing the full Term of Service agreed for under such Hiring; and the Magistrate shall give an Order and take such other Steps as shall be necessary to enforce the Payment of such Proportion within Four Days after the Amount shall have been declared by such Magistrate.

Servants in certain Cases shall be entitled to Wages up to the Time of enlisting.

CXV. And be it further enacted, That no Officer of His Majesty's Forces residing in Barracks or elsewhere under Military Law, shall be deemed liable to have any Parish Poor Child bound Apprentice to him; but that every such Officer shall be wholly exempt from taking or receiving, or from having bound to him, any such Child as an Apprentice, any Law, Statute, or Usage to the contrary notwithstanding.

Officers not liable to have Parish Poor apprenticed to them.

CXVI. And be it further enacted, That when and as often as any Regiment or Company shall be relieved at any Station or Place beyond the Seas, in order to return to *Great Britain* or *Ireland*, it shall and may be lawful for any Officer or Officers thereunto authorized by the Officer commanding in Chief at such Station or Place respectively, to enlist as many of the Soldiers belonging to such Regiment or Company, returning to *Great Britain* or *Ireland*, as shall be willing, and who shall appear to be fit for Service, and to incorporate them into any Regiment or Company which shall be appointed to remain; and every Soldier so enlisted shall be and is hereby deemed to be discharged from the Regiment or Company in which he before served; and the Occasion of his quitting such former Corps shall be recited in the Enlisting Certificate, a Duplicate or an attested Copy whereof shall be delivered to such Soldier, to protect him from being anyways molested upon Suspicion of his having deserted.

Where any Corps beyond Seas shall be relieved in order to return Home, such of the Men as shall choose may be enlisted, &c.

Persons authorized by His Majesty may enlist or re-enlist Soldiers abroad.

CXVII. And whereas it is expedient that Provisions should be made for the enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting abroad; be it therefore enacted, That it shall be lawful for any Person duly authorized and appointed by His Majesty, by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest out of *Great Britain* or *Ireland* any Soldiers desirous of enlisting or re-enlisting into His Majesty's Service, and to administer such Oaths as are directed and required to be administered in that Behalf by Justices of the Peace in the United Kingdom in relation to the enlisting or re-enlisting of Soldiers; and any Person so authorized and appointed shall have all such Powers and Authorities in that Behalf as are given to any Justices of the Peace in the United Kingdom in relation to the enlisting or re-enlisting of Soldiers, and shall for all such Purposes as aforesaid be deemed and taken to be Justices of the Peace; any Person so enlisted or re-enlisted shall be deemed and taken to be so enlisted or re-enlisted under the Provision of any Act in force in relation to enlisting of Soldiers, and to the Punishment of Mutiny and Desertion, in like Manner in every respect, and as fully and effectually to all Intents and Purposes, as if such Oath had been administered, and such Attestation had been made, and enlisting or re-enlisting taken place, before a Justice of the Peace in the United Kingdom.

Soldiers entitled to Discharge to be sent Home free of Expence, and have Conduct and Marching Money Home.

CXVIII. And be it further enacted, That every Soldier entitled to his Discharge under any Orders or Regulations made by His Majesty, or upon the Expiration of any Period for which he shall have engaged to serve, shall, if then serving abroad, be sent to *Great Britain* or *Ireland* free of Expence, and on his Return shall be entitled to and have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, at the Rate *per Diem* fixed for victualling Soldiers on the March in *Great Britain* and *Ireland* respectively, reckoning Ten Miles for each Day's March; and every Soldier so entitled to his Discharge, who shall be discharged at any Place in the United Kingdom other than that in which he shall have been attested, shall be entitled to the like Marching Money, from the Place of his Discharge to the Place of his Attestation as aforesaid.

Justices may commit Deserters.

CXIX. And whereas several Soldiers, being duly enlisted, do afterwards desert, and are found wandering, or otherwise absenting themselves illegally from His Majesty's Service; it is hereby further enacted, That it shall and may be lawful for the Constable, Headborough, or Tithingman of the Town, Parish, Township, or Place where any Person who may be reasonably suspected to be such a Deserter shall be found, or of any adjoining Town, Parish, Township, or Place, if no such Constable, Headborough, or Tithingman can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice of the Peace living in or near such Town or Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or

the Testimony of One or more Witness or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear to be found that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall, without Fee or Reward to himself or his Clerk, forthwith cause him to be conveyed to the Gaol, or the House of Correction or other Public Prison in such Town or Place, when such Deserter shall be so brought before such Justice of the Peace, or if there be no Gaol, House of Correction, or other Public Prison in such Town or Place, then at the Discretion of such Justice of the Peace to the nearest or most convenient Gaol, House of Correction, or other Public Prison, in the same or any next adjoining County; or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin*, or Places adjacent; and transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act marked (N.), to the Secretary at War for the Time being in *London*; or if the Deserter be apprehended in *Ireland*, to the Chief Secretary to the Chief Governor or Governors thereof; to the end that such Person may be removed by an Order from the Office of the said Secretary at War, or Chief Governor or Governors, and proceeded against according to Law; and the Keeper of every Gaol, House of Correction, or Prison, in which such Deserter shall at any Time be confined, shall receive such Subsistence for the Maintenance of such Deserter during the Time that he shall continue in his Custody, as by His Majesty's Regulations is or shall from Time to Time be directed in that Behalf; and the Keeper of every Gaol, House of Correction, or other Public Prison of the City, Town, or Place, at or in which the Party or Person conveying such Deserter shall halt on the March, shall and he is hereby required to receive and confine every such Deserter who shall be delivered into his Charge and Custody by any Non-commissioned Officer or Soldier who shall be conveying such Deserter under any lawful Order, Warrant, or Authority, while on the Road from the Place where he was apprehended to the Place to which he is to be conveyed, without any other Warrant or Authority for so doing than the Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, or of the Chief Governor or Governors of *Ireland*, and shall be entitled to One Shilling for the safe Custody of the said Deserter while the Party or Person conveying him shall halt on the March; any Law, Usage, or Custom to the contrary notwithstanding.

Reward for taking up Deserters.

CXX. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters from His Majesty's Service, be it further enacted, That in case of every Deserter apprehended in *Great Britain* or *Ireland*, the Secretary at War, upon receiving from the Justice of the Peace, or other Civil Magistrate by whom the Deserter shall have been committed, a Report stating the Name or Names of the Person or Persons by whom the Deserter was apprehended and secured, which Report such Magistrate is hereby required to give, shall transmit to such Magistrate an Order upon some Regimental or District Paymaster, or Paymasters of a Depôt, for the Payment of the Sum of Twenty Shillings to the Person

Person or Persons so reported by the Magistrate: Provided always, that this Reward shall only be given in Cases in which the Secretary at War shall be satisfied that such Person or Persons is or are justly entitled to the same, according to the true Intent and Meaning of this Act: Provided also, that no Fee or Reward shall be taken by any Justice of the Peace, or his Clerk, for or in respect of any Information, Examination, Commitment, or any such Report as aforesaid in relation to any Deserter.

Any Person confessing himself a Deserter to be deemed duly enlisted.

CXXI. And be it further enacted, That any Person who shall voluntarily surrender or deliver himself up as a Deserter from any Regiment or Corps of His Majesty's Regular Forces, or of the Embodied Militia, or of the Forces of the United Company of Merchants of *England* trading to the *East Indies*, or who, upon being apprehended for Desertion or any other Offence, shall in the Presence of the Magistrates confess himself to be a Deserter from any such Regiment or Corps, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Regiment or Battalion or Corps of His Majesty's Forces as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not, and if the Person so confessing himself to be a Deserter shall be serving at the Time in any Regiment, Battalion, or Corps of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Persons persuading Soldiers to desert, to be punished by Fine or Imprisonment, or both.

CXXII. And be it further enacted, That if any Person or Persons shall, in any Part of His Majesty's Dominions, directly or indirectly persuade or procure any Soldier or Soldiers in the Service of His Majesty, His Heirs or Successors, to desert or leave such Service as aforesaid, every such Person or Persons so offending as aforesaid, and being thereof lawfully convicted, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge.

Penalty on Persons concealing Deserters.

CXXIII. Provided always, and be it enacted, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, the Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace, the said Penalty of Twenty Pounds shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the Agent of the Regiment or Corps to which any such Deserter did belong, and shall be credited by such Agent in his public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary at War by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such Deserter, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty awarded against him or her for such Offence, or shall not pay

pay such Penalty within Four Days after such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Six Calendar Months.

Penalty on Officer breaking open any House without Warrant.

CXXIV. Provided also, and be it enacted, That no Commissioned Officer shall break open any House to search for Deserters without Warrant from a Justice of the Peace; and that every Commissioned Officer who shall without Warrant from One or more of His Majesty's Justices of the Peace (which Warrant the said Justice or Justices is or are hereby empowered to grant) forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall upon due Proof thereof forfeit the Sum of Twenty Pounds.

Penalty on Persons receiving any Arms, Clothes, &c. of Soldiers or Deserters, &c.

CXXV. And be it enacted, That if any Person shall knowingly detain, buy, or exchange, or otherwise receive from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any Meat, Drink, Beer, or other Provisions, or any Sheets, or other Articles used in Barracks, provided under any Regulations relating thereto, or any such Articles belonging to any Soldier or Deserter as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cause the Colour of any such Clothes to be changed, the Person so offending shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of the Arms, Ammunition, Clothes, Caps, or other Furniture or Provision, Sheet, or other Article so detained, bought, exchanged, or otherwise received; or if any Person shall buy or receive any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of the Oats, Hay, Straw, or other Forage so bought, received, sold, or otherwise disposed of; and upon Conviction, by the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Ten Pounds, and Ten Pounds, shall be levied by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender, one Moiety of the said first-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and one Moiety of the said last-mentioned Penalty of Ten Pounds to be paid to the Informer if not a Soldier, and the Residue of the said respective Penalties to be paid to the Agent of the Regiment or Corps to which any such Deserter or Soldier did belong, who shall report the same to the Secretary at War, and credit the same in his public Accounts; and in every Case in which the Informer shall be a Soldier, the Moiety of the said Penalties shall be

and on Persons buying Oats, Hay, or Forage provided for His Majesty's Service.

paid to the Secretary at War, and shall be applied as a Fund for the Payment of the Costs, Charges, and Expences of proceeding for the Recovery of such Penalties, in Cases in which no sufficient Goods and Chattels shall be found whereby such Penalties and Costs can be levied by Distress and Sale as aforesaid; and a Report of the said respective Penalties being adjudged shall be made to the Secretary at War by the Justices of the Peace by whom the same shall have been imposed; and in case any such Offender who shall be convicted as aforesaid of having knowingly received any Arms, Ammunition, Clothes, Caps, or other Furniture belonging to the King, or any such Meat, Drink, Beer, or other Provisions, or Sheets, or other Articles used in Barracks, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Oats, Hay, Straw, or other Forage provided for the Use of any Horse or Horses belonging to His Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties upon such Conviction, or give sufficient Security for Payment thereof within the Space of Four Days from such Conviction, then and in such Case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or cause such Offender to be publicly or privately whipped, at the Discretion of such Justice.

Certain Officers and Justices may grant an Extension of Furlough to any Non-commissioned Officer or Soldier applying for the same on account of Sickness, &c.

CXXVI. And whereas Soldiers absent from their Regiments on Furlough granted to them by their Commanding Officers are sometimes prevented by Sickness or other unavoidable Casualty from returning to their Duty before the Expiration of the Time limited by such Furlough, and Doubts have arisen whether in such Cases the Extension of a Soldier's Furlough by a Justice of the Peace be sanctioned by legal Authority, and effectual for preventing such Soldier from being apprehended upon Suspicion of his having deserted his Regiment; be it further enacted, That any Inspecting Field Officer stationed on the Recruiting Service, or any Officer of the Rank of Captain, or of superior Rank, or any Adjutant of the Regular Militia stationed within the District, or in case there be no such Officer as aforesaid within a convenient Distance, any Justice of the Peace, may and is hereby authorized to grant, in Writing under his Hand, an Extension of Furlough to any Non-commissioned Officer or Soldier applying for the same on account of Sickness or other Casualty, which shall on due Inquiry appear to render such Extension necessary; and that every such Officer or Justice of the Peace, who shall grant to any Non-commissioned Officer or Soldier an Extension of Furlough as aforesaid, shall immediately certify the same, with the Cause of its being so granted, to the Officer commanding the Corps, Depôt, or Detachment to which the Man belongs, if known, if not, then to the Agent

of the Regiment, in order that the Proportion of Pay, to which the Man shall be entitled, may be remitted to him according to the Rules established in that respect.

Non-commissioned Officer or Soldier, whose Furlough shall have been extended, shall not be liable to be apprehended as a Deserter, &c.

CXXVII. And be it further enacted, That such Non-commissioned Officer or Soldier, during the Period to which his Furlough shall have been so extended as aforesaid, shall not be liable to be apprehended or otherwise molested on the Ground of his having deserted the Regiment to which he shall appear by his Furlough to belong, or of criminally absenting himself from the same: Provided always, that nothing in this Act contained shall be construed to exempt any Non-commissioned Officer or Soldier, whose Furlough shall have been so extended as aforesaid, from being proceeded against and punished according to the Provisions of this Act, should it thereafter appear that such Non-commissioned Officer or Soldier had obtained the Extension of his Furlough by false Representation made to such Officer or Justice of the Peace as aforesaid, or in applying for and obtaining the same, had committed any Offence to the Prejudice of good Order and Military Discipline: Provided also, that no such Furlough shall be extended by any such Officer or Justice of the Peace as aforesaid for any longer Period than One Month, unless with the Approbation of the General or other Officer commanding in the District where such Soldier shall be, or of the Officer commanding the Corps, Depôt, or Detachment to which the Non-commissioned Officer or Soldier shall belong.

Subsistence of Men on Furlough.

CXXVIII. Provided always, and be it further enacted, That the Subsistence of Men on Furlough shall be issued according to the Rates which have been or shall be prescribed by His Majesty's Regulations.

No Volunteer liable to Process unless for some criminal Matter,

CXXIX. And to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Soldiers, whereby His Majesty and the Public may be deprived of their Services, it is hereby further enacted, That no Person who is or shall be listed, or who shall list and enter himself as a Volunteer in His Majesty's Service as a Soldier, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless for a real Debt, or other just Cause of Action; and unless, before taking out of such Process or Execution (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be sued out, amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of such Process or Writ, for which Memorandum or Oath no Fee

or for a real Debt of the Value of 20*l.*

Oath of the Debt to be made before a Judge;

and a Memorandum thereof

marked on the Back of the Process.

Fee shall be taken: And if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or Judges of such Court, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties or otherwise, and by Warrant under his or their Hand and Seal or Hands and Seals to discharge such Soldier so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them that such Soldier so arrested was legally enlisted as a Soldier in His Majesty's Service, and arrested contrary to the Intent of this Act; and also to award to the Party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendant in the said Action.

Plaintiff may file a common Appearance.

CXXX. And to the end that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entering into and listing in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion great Expence and Delay to themselves, may be enabled to proceed in a more easy and cheap Method; be it further enacted, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so entered, or left at his or their last Place of Residence before such listing, to file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, so as to entitle such Plaintiff to proceed therein to Judgment and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so listed as aforesaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

Soldiers while confined for Debt not to receive Pay.

CXXXI. And be it further enacted, That no Soldier being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement until the Day of his Return to the Regiment, Troop, Company, or Detachment to which he shall belong, or shall be ordered to join.

Soldiers taken Prisoners to forfeit Pay; but shall be entitled on being adjudged by a Court-martial to have acted properly.

CXXXII. And be it further enacted, That every Soldier who shall be taken Prisoner by the Enemy shall forfeit all Right and Claim to Pay during the Period of his remaining a Prisoner, and until he shall again return to His Majesty's Service: Provided always, that upon the Return of every Soldier to His Majesty's Service, due Inquiry shall be made as to the Conduct of such Soldier in relation to his being made Prisoner, and during the Period of his so remaining a Prisoner, and before Return to Service, by some General or Regimental or Garrison or other Court-martial which shall be constituted under any Articles of War made by His Majesty for the Purpose of investigating

investigating such Cases; and every Soldier who shall prove to the Satisfaction of the Court, by Oath of himself or others, or in such Manner as such Court shall require, and which Oath every such Court is hereby authorized to administer, that he was fairly and unavoidably taken Prisoner in the Course of Service, without any wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided or assisted the Enemy, and that he hath returned as soon as possible to His Majesty's Service, shall thereupon be entitled to receive, either the Whole of any such Arrears of Pay, or a Proportion thereof, as shall be adjudged by any such Court: Provided also, that it shall be lawful for the Secretary at War for the Time being, to order the Issue of such Arrears or of any Proportion thereof, or of any such Pay or of any Proportion thereof, as shall under all the Circumstances appear to be proper, notwithstanding any such Forfeiture, and before any such Investigation, and from Time to Time to stop the Continuance of any such Issue of Pay, as the Case and Conduct of any such Soldier, in relation to his being captured by the Enemy, and not returning to His Majesty's Service when enabled so to do, may require; and the Orders of the Secretary at War, for the Payment of any such Arrears of Pay, shall be a good and sufficient Discharge for such Payment.

Secretary at War may advance Pay if necessary, before Investigation.

CXXXIII. And be it further enacted, That all Commissaries, upon making up their Accounts, and also upon returning from any Foreign Service, shall take the Oath described in the Schedule to this Act annexed, marked (M.); which Oath, if taken in any Part of the United Kingdom, shall be taken before some Justice of the Peace or Magistrate, and if taken on Foreign Service, before the Officer commanding in Chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General, or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer the same.

Commissaries, upon making up their Accounts, or returning from Foreign Service, to take an Oath.

CXXXIV. And be it further enacted, That every Paymaster, or other Commissioned Officer of His Majesty's Forces, or any Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person employed in the Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Forces, or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such Paymaster or other Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other Person, to be transported as a Felon for Life, or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the Nature and Degree of the Offence; and every such Officer or Person shall, in addition to any other Punishment,

Officers, Storekeepers, Commissaries, &c. embezzling Military Stores, &c. may be tried by a Court-martial.

Penalty on such Offenders.

ment, make good, at his own Expence, the Loss and Damage sustained which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained aforesaid may be recovered in any of His Majesty's Courts of Record at *Westminster*, or in any other Courts of Law having Jurisdiction where any Person adjudged by a Court-martial to have incurred any such Penalties, or to make good any such Losses or Damages, shall be resident after the said Judgment shall be confirmed and made known; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

Application of the Forfeitures.

Non-commissioned Officers embezzling Soldiers Pay, &c. to be reduced, &c.

CXXXV. And be it further enacted, That every Non-commissioned Officer who shall be convicted, at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been entrusted for the Payment of the Men under his Command or for enlisting Men into His Majesty's Service, shall be reduced to serve in the Ranks as a Private Soldier, and be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not exceeding to Life or Limb) as the Court-martial shall think fit.

No Paymaster, &c. to make Deductions out of Officers or Private Men's Pay.

CXXXVI. And be it further enacted, That from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, no Paymaster General or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, Muster-master, Paymaster of a Corps or District, or any other Officer whatsoever, or their Under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, other than the usual Deductions allowed by His Majesty's Regulations, and such other necessary Deductions as shall from Time to Time be required to be made under any Act now in force or hereafter to be made, or directed by His Majesty under His Royal Sign Manual.

Exceptions.

Money due for Clothing may be issued every Six Months.

CXXXVII. And for the Encouragement of the due and well clothing of the Troops, be it hereby further enacted, That the Lord High Treasurer or the Commissioners of the Treasury for the Time being may, if he or they see convenient, at the End of every Six Months, issue the Money due for the Clothing of the several Regiments, Troops, and Companies; and the Paymaster General for the Time being is hereby directed to notify the Receipt of the Money to the Secretary at War, who shall immediately grant his Warrant for the Payment of the proper Sum or Sums to such Person or Persons only as have a regular Assignment from the Colonel or Commandant, or Person authorized by him to make such Assignment.

Penalty on Paymasters, Agents, &c. detaining Officers or Soldiers Pay.

CXXXVIII. And be it further enacted, That if any Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, shall unlawfully detain or withhold, for the Space of One Month, the Pay of any Officer or Soldier (Clothes and all other just Allowances being deducted), after such Pay shall be by him or them received;

or if any Officers, having received any Soldiers Pay, shall refuse to pay each Non-commissioned Officer and Soldier their respective Pay when it shall become due, according to the several Rates established by His Majesty's Orders, then upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose duly held and summoned, every such Paymaster, Agent, Clerk, or Officer so offending shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid; and the Informer if a Soldier (if he demands it), shall be and is hereby discharged from any further Service, any thing in this Act contained to the contrary notwithstanding: Provided always, that it shall and may be lawful for His Majesty's Secretary at War to give Orders for withholding the Pay of any Officer, Non-commissioned Officer, or Soldier, for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave.

Penalty on Agents disobeying Orders.

CXXXIX. And for enforcing a prompt Observance of the Rules and Orders established or to be established for the due Appropriation of the Public Funds applicable to the Army Services, and that a true and regular Account may be kept and rendered by the Agents of the several Garrisons, Regiments, Battalions, Corps, and Independent Troops and Companies, be it further enacted, That the said Agents are hereby required and directed to observe such Orders and Directions as shall from Time to Time be given by His Majesty under His Sign Manual, or by the Secretary at War for the Time being, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury for the Time being; and if any Person being or having been Agent shall refuse or neglect to observe and comply with such Orders and Directions, in relation to his Duty as Agent, he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the Use of His Majesty; and if still an Agent, for the Second Offence be discharged from his Employment as Agent of the Garrison, Regiment, Battalion, Corps, Independent Troop or Company, in relation to which he shall have been guilty of such Offence, and be utterly disabled to have or hold such Employment thereafter; or if he shall have ceased to be such Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds, to be recovered as aforesaid.

Penalty on Persons acting as Army Agents without Authority.

CXL. And whereas great Inconvenience has arisen to His Majesty's Service from Persons, not being authorized Agents of Regiments, Troops, or Companies, negotiating for the Purchase, Sale, and Exchange of Commissions in His Majesty's Forces, and much larger Sums than are allowed by His Majesty's Regulations are often given and received for Commissions, and great Frauds committed; be it therefore enacted, That every Person not being an authorized Agent to some Regiment, Troop, or Company of His Majesty's Forces, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as Agent to some

some Regiment, Troop, or Company, who shall take, accept, or receive any Commission, Sum of Money, or Reward for any Negotiation relative to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, or who shall negotiate, bargain for, or receive for his own Use, or for the Use of any other Person or Persons, any Sum of Money or other Consideration above the Amount of the Price allowed by His Majesty's Regulations for the Purchase, Sale, or Exchange of any such Commission, or any Sum of Money or other Consideration where no Price shall be allowed by His Majesty's Regulations, shall for every such Offence forfeit the Sum of One hundred Pounds, and Treble the Value of such Sum of Money or other Consideration as he shall negotiate, bargain for, or receive above the Amount of the Price allowed by His Majesty's Regulations for such Commissions, in such Cases where any Price shall be allowed by His Majesty's Regulations, or Treble the Value of the Sum or other Consideration negotiated, bargained for, or taken and received, in such Cases in which no Price shall be allowed by His Majesty's Regulations.

Paymasters, &c. to account with Executors.

CXLI. Provided always, and be it enacted, That every Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors or Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier by him or them received, shall, on reasonable Demand made by any such Executor or Administrator, deliver a just and true Account to such Executor or Administrator of such Sum or Sums of Money as he or they shall have so respectively received for such Officer or Soldier, and for which they ought so to account as aforesaid, such Executor or Administrator paying for the same, and shall account with such Executor or Administrator for the same; and that every such Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company offending herein, shall forfeit the like Penalties, to be recovered in like Manner as is appointed by this Act for such Colonels or Agents not giving due Accounts of or for the Pay of the said Officers or Soldiers to and for such Officers and Soldiers themselves.

Officers, &c. of the Trains of Artillery, &c. subject to this Act.

CXLII. And whereas it may be doubted whether the Officers and Persons serving in the Royal Artillery, and the Persons hired to be employed in the Trains of Artillery, or the Officers serving in the Corps of Royal Engineers, or the Persons hired to be employed in the Department of the said Engineers, of the Officers and Persons serving in the Corps of Royal Military Surveyors and Draftsmen, or the Corps of Royal Sappers and Miners, or the Master Gunners, and Gunners under the Ordnance, be within the Intent and Meaning of this Act; it is hereby enacted, That the Officers and Persons serving and hired to be employed, or who shall serve and be hired to be employed in the Royal Artillery, and in the several Trains of Artillery, and in the Department of the Royal Engineers, and all Officers serving or who shall serve in the Corps of Royal Engineers, and all Officers and Persons serving or who shall serve in the Corps of Royal Military Surveyors and Draftsmen, or in the Corps of Royal Sappers and Miners, and all Master Gunners, and Gunners who now

are

are or shall be under the Ordnance, shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act during the Continuance of the same, and shall be quartered and billetted, together with the Horses employed for the Service of the said Corps, in the same Manner and under the same Penalties and Regulations as are directed by this Act to be observed in quartering and billetting the Officers, Soldiers, and Horses of His Majesty's other Forces; and all Innkeepers and others on whom the Officers and Persons serving in the said Corps, and the Horses employed therein, shall be legally quartered, refusing to receive and provide for them as is directed for the Officers, Soldiers, and Horses in His Majesty's other Forces, shall be subject to the same Penalties as in the Case of His Majesty's other Forces.

Persons employed in the Commissariat, &c. liable to the Provisions of this Act while serving with the Forces.

CXLIII. And whereas Doubts have arisen whether Officers and Persons commissioned or employed in the Commissariat Department, or in the Office of Storekeeper to His Majesty's Regular Forces, be within the Intent and Meaning of this Act; be it enacted, That all Officers and Persons who are or shall be commissioned or employed in the Commissariat Department, or as Storekeeper, or under the Storekeeper General, who are or shall be serving with any Part of His Majesty's Forces at Home or Abroad, and are or shall be placed under the Command of any General or other Officer having Commission from His Majesty, shall be, to all Intents and Purposes, liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the Case of His Majesty's other Forces.

Storekeepers and other Civil Officers liable to the Provisions of this Act.

CXLIV. And whereas it is expedient that the Provisions of this Act should be extended to the Storekeepers and other Civil Officers acting under the Ordnance at Foreign Stations; be it therefore enacted, That all Storekeepers, and other Civil Officers, who are, shall be employed by, or act under the Ordnance, at any of His Majesty's Ordnance Establishments at Foreign Stations, shall be to all Intents and Purposes liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the Case of the other Officers and Persons acting under the Ordnance herein-before made liable to this Act.

Securities entered into by such Storekeepers, &c. not to be affected.

CXLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be any ways construed to extend to affect or make void any Bond or other Security which has been or shall be given or entered into by such Storekeepers or other Officers and their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Troops raised or serving in His Majesty's

CXLVI. And whereas great Mischief and Inconvenience may arise if it should be doubted whether Troops in Pay, raised or serving in any

Provinces, &c. acting in conjunction with His Majesty's other Forces, liable to the same Martial Laws.

any of His Majesty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Possession of or occupied by His Majesty's Subjects, or any Forces of His Majesty, are, while under the Command of any Officer having any Commission immediately from His Majesty, liable to the same Rules and Articles of War, and the same Penalties and Punishments, as His Majesty's other Forces are subject to: To prevent such Mischief, and remove all Doubts, be it declared and enacted, That all Officers and Soldiers of any Troops being mustered and in Pay, which have been or are or shall be raised or serving as aforesaid, shall at all Times and in all Places be liable to Martial Law and Discipline, in like Manner to all Intents and Purposes as His Majesty's other Forces are, and shall be subject to the same Trial, Penalties, and Punishments.

Officers and Soldiers of such Troops sent over to Great Britain or Ireland, to be quartered and billetted as His Majesty's other Forces.

CXLVII. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, are frequently sent over to *Great Britain* or *Ireland* in a very distressed Condition: And whereas their Pay is not sufficient to provide them with necessary Lodgings and Accommodations; be it therefore enacted, That it shall be lawful for the Constables and other Civil Magistrates within *England*, *Ireland*, *Wales*, and Town of *Berwick-upon-Tweed*, to quarter and billet the Officers and Soldiers of such Troops in all such Houses as are liable by this Act to receive the Officers and Soldiers of His Majesty's other Forces; and the said Constables and other Civil Magistrates are hereby required to quarter and billet the Officers and Soldiers of such Troops in the same Manner and under the same Regulations and Penalties as are directed by this Act to be observed in quartering and billetting the Officers and Soldiers of His Majesty's other Forces; and all Persons on whom the Officers and Soldiers of the said Troops shall be legally quartered, refusing to receive and provide for them as is directed for the Officers and Soldiers of His Majesty's other Forces, shall be subject to the same Penalties as in the Case of His Majesty's other Forces.

Negroes purchased, and serving in the Forces, shall be deemed free.

CXLVIII. And be it further enacted, That all Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces, shall be and be deemed and taken to be free, to all Intents and for all Purposes whatever, in like Manner in every respect as if such Negroes had been born free in any Part of His Majesty's Dominions; and that such Negroes shall also to all Intents and Purposes whatever be considered as Soldiers having voluntarily enlisted in His Majesty's Service.

Certain Provisions of this Act not to extend to Negroes purchased by or on account of His Majesty.

CXLIX. Provided always, and be it further enacted, That nothing in this Act contained as to enlisting for any limited Periods of Service, or contained in any other Act as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged after certain Periods of Service, shall extend or be deemed or construed in any Manner to extend to any Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces.

Persons employed on Recruiting Service, and receiving regular Pay, subject to the Provisions of this Act.

CL. And be it further enacted, That this Act shall extend to all Serjeants and Non-commissioned Officers or Persons employed on the Recruiting Service, receiving any regular Pay in respect of such Service; and all such Serjeants and Non-commissioned Officers and Persons employed on the Recruiting Service, receiving any regular Pay in respect of such Service, shall be liable to Martial Law and Discipline, in like Manner to all Intents and Purposes as His Majesty's other Forces, and be subject to the same Trial, Penalties, and Punishments.

This Act not to extend to the Militia, &c. further than is directed by the Laws relating thereto.

Exceptions.

CLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be in anywise construed to extend to concern any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, excepting only in such Case wherein by any Act or Acts for regulating any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, the Provisions contained in this Act, or in any Act for punishing Mutiny and Desertion which shall be then in force, are extended and meant to take place in respect to the Officers and Soldiers of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* and *Ireland*; and also except so far as relates to the Mustering of the said Militia Forces, according to the Provisions herein-after mentioned.

Militia and Fencible Men, when in actual Service, to be regularly mustered, &c.

CLII. And for the better ascertaining the Number of effective Men of the Regiments of Militia when embodied and in actual Service, be it further enacted, That every Regiment or Corps of Militia and Fencible Men, when embodied and in actual Service, shall be regularly mustered by Commissaries appointed for that Purpose, in the same Manner and as often as the rest of the Army is usually mustered; and the Magistrate shall have the same Powers and Authorities, and both Officers and Men shall be subject to the same Regulations, Restrictions, and Penalties, as are imposed on the Officers and Soldiers of the rest of the Army by virtue of this Act.

In what Cases this Act shall extend to Jersey, Guernsey, &c.

CLIII. And be it further enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial; and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

CLIV. And

Persons taking a false Oath guilty of Perjury.

CLIV. And be it further enacted, That any Person taking a false Oath, in any Case wherein an Oath is required to be taken by this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Persons sued, except in Scotland, may plead the General Issue.

CLV. And be it further enacted (except in *Scotland*, as herein-after provided), That if any Action, Bill, Plaint, or Suit shall be brought against any Person or Persons, for any Act, Matter, or Thing to be acted or done in pursuance of this Act, it shall and may be lawful to and for all and every Person and Persons sued as aforesaid, to plead thereunto the General Issue, that he or they are Not Guilty, and to give such Special Matter in Evidence to the Jury which shall try the Issue, which Special Matter being pleaded had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants or the Trespass or other Matter laid to his or their Charge; and if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof, that in every such Case the Justice or Justices, or such other Judge before whom the said Matter shall be tried, shall by force and virtue of this Act allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit; for which the said Defendant or Defendants shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to the Defendants.

Treble Costs.

In what Courts Suits shall be brought.

CLVI. And be it further enacted, That every Bill, Plaint, Action, or Suit, against any Person or Persons for any Act, Matter, or Thing to be acted or done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

In Scotland Actions shall be preferred in the Court of Session.

CLVII. And be it further enacted, That if any Action shall be raised or Complaint shall be preferred against any Person or Persons in *Scotland*, for any Act, Matter, or Thing to be acted or done in pursuance of this Act, such Action shall be raised and Complaint preferred in the Court of Session; and if such Court shall see fit to assoilzie the Defendant, or dismiss the Complaint, the Defendant or Defendants shall have Treble Costs awarded to him or them by the said Court.

Limitation of Actions.

CLVIII. Provided always, and be it further enacted, That no Action shall be brought, or Prosecution carried on by virtue of this Act, for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed.

CLIX. And

CLIX. And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts made in *Great Britain* and *Ireland* respectively for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, be it further enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, shall and may, during the Continuance of this Act, be inquired of, heard, tried, determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this Act may be inquired of, heard, tried, determined, adjudged, and punished; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same, but it shall be lawful to proceed to Judgment upon any such Trial, and to carry such Judgment into Execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act.

Offences against former Mutiny Acts punishable by this Act.

CLX. Provided always, and be it further enacted, That no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period; in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Limiting the Liability of Trial, &c. for Offences against former Acts.

CLXI. And for the more easy Conviction of Offenders against this Act, be it enacted, That in case any Person shall be convicted of any Offences by which they shall become liable to any of the pecuniary Penalties under this Act, the following shall be the Form of Conviction:

Form of Conviction.

‘ County of } ‘ BE it remembered, That on the Day of
‘ in the Year of our Lord at
‘ in the County aforesaid, *A.B.* came before me [*or* us]
‘ One [*or* Two] of His Majesty's Justices of the Peace
‘ in and for the said County, and informed me [*or* us]
‘ that *G.H.* of on the Day
‘ of now last past, at
‘ in the said County, did [*here set forth the Fact in the*
‘ *Manner described in the Statute*]; whereupon the said
‘ *G.H.*, after being duly summoned to answer the said
‘ Charge, appeared before me [*or* us] the said Justice
‘ [*or* Justices] on the Day of
‘ at in the said County, and having heard

'the Charge contained in the said Information, declared 'that he was not guilty of the said Offence; but the 'same being fully proved upon the Oath of *I.K.* a cre- 'dible Witness, it manifestly appeared to me [*or* us] the 'said Justice [*or* Justices] that he the said *G.H.* is guilty 'of the said Offence charged upon him in the said In- 'formation: It is therefore considered and adjudged by 'me [*or* us] the said Justice [*or* Justices] that he the 'said *G.H.* be convicted, and I [*or* we] do hereby con- 'vict him of the Offence aforesaid; and I [*or* we] do 'hereby declare and adjudge that the said *G.H.* hath 'forfeited the Sum of for 'the Offence aforesaid, to be distributed as the Law 'directs, according to the Statute in that Case made and 'provided.

'Given, *et cetera.*'

Continuance of Act.

CLXII. And be it further enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *April* One thousand eight hundred and twenty-eight, until the First Day of *April* One thousand eight hundred and twenty-nine; and shall be and continue in force within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *June* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *June* One thousand eight hundred and twenty-nine; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, from the Twenty-fifth Day of *July* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *July* One thousand eight hundred and twenty-nine; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* and *Bourbon*, and Islands thereto belonging, *Saint Helena*, and the Western Coast of *Africa*, from the Twenty-fifth Day of *October* One thousand eight hundred and twenty-eight, to the Twenty-fifth Day of *October* One thousand eight hundred and twenty-nine; and shall be and continue in force in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and twenty-nine, to the Twenty-fifth Day of *November* One thousand eight hundred and thirty.

Act may be altered this Session.

CLXIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF OATH.

I do make Oath, That I am *or* have been (*as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, et cetera*], and that I am of the Age of Years; that I do not belong to the Militia, or to any other Regiment, or to His Majesty's Navy or Marines; and that I will serve His Majesty, His Heirs and Successors, for the Period of [*This Blank to be filled up by the Magistrate, with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years of Age, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require my Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty: Provided always, that in the latter Case the said additional Period shall determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any Definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be*] Years.

SCHEDULE (B.)

FORM OF OATH.

I do make Oath, That I am *or* have been (*as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, et cetera*], and that I am of the Age of Years; that I do not belong to the Militia, or any other Regiment, or to His Majesty's Navy or Marines; and that I will serve His Majesty, His Heirs and Successors, until I shall be legally discharged.

SCHE-

SCHEDULE (C.)

FORM OF JUSTICE'S CERTIFICATE.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice; and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve His Majesty King *George* the Fourth, His Heirs and Successors, in the Regiment of commanded by and did engage to serve for the Period of [*This Blank to be filled up by the Magistrate with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require his Services, and also for such further Period as His Majesty shall please to direct, not to exceed in any Case Three Years, and to determine whenever Six Months shall have elapsed of continued Peace subsequent to the Expiration of the Term of [Seven, *or* Ten, *or* Twelve] Years: And I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and that he took the Oath of Fidelity mentioned in the said Articles of War, and also the Oath above set forth, and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHEDULE (D.)

FORM OF JUSTICE'S CERTIFICATE.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve His Majesty King *George* the Fourth, His Heirs and Successors, in the Regiment of commanded by until he should be legally discharged: And I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and that he took the Oath of Fidelity mentioned in the said Articles of War, and also the Oath to the Effect above set forth, and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHEDULE (E.)

OATH OF ALLEGIANCE, 39 *Geo.* III. Cap. 10

I being enlisted to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in my Duty bound, defend Him in His Person, Crown, and Dignity, against all His Enemies; and that so long as I shall remain in His Majesty's Service I will duly observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty; and that if His Majesty shall please to appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

SCHEDULE (F.)

I One of His Majesty's Jus
to wit. } Peace of certify, That , aged
Years, Feet Inches high,
Complexion, Eyes, Hair, came before me at
on the Day of One thousand eight hundred and
, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve either in His Majesty's Army or in the Forces of the *East India* Company, according as His Majesty shall think fit to order: And I further certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him; and that he took the Oath of Allegiance prescribed by the Act of the *39 Geo. III. c.*109. to be taken instead of the Oath of Fidelity mentioned in the said Articles of War, and also the Oath above set forth; and that he received the Sum of on being attested.

SCHEDULE (G.)

I being enlisted to serve in the [Infantry *or* Artillery, *as the Case may be*] of the *East India* Company, do swear, That I will bear true Allegiance to our Sovereign Lord King *George*, and that I will, as in Duty bound, defend him in His Person, Crown, and Dignity, against all His Enemies; and I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

SCHEDULE (H.)

I do make Oath, That I am (*or* have been, *as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish, or Place, et cetera*], and that I am of the Age of Years, and that I do not belong to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines; and that I will serve the United Company of Merchants of *England* trading to the *East Indies*, until I shall be duly and legally discharged [*or if the Recruit enlists for limited Service, then leave out the Words scored under, and insert*] for the Period of Twelve Years [*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years*], provided the said United Company should so long require my Service.

SCHEDULE (I.)

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appeared to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice legally bound so as to prevent his enlisting, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve the United Company of Merchants of *England* trading to the *East Indies*, and did engage to serve for the Period of [*This Blank to be filled up by the Magistrate either until discharged or for Years, as in the preceding Form of Enlistment*] ; and I do hereby certify, That in my Presence the Third and Fourth Articles of the Second Section, the First Article of the Sixth Section, of the Articles of War, against Mutiny and Desertion, and the Notice contained in the Schedule marked (O.) annexed to the Act for punishing Mutiny and Desertion, were read over to him, and he took the Oath of Fidelity mentioned in the Act of the Fiftieth Year of His late Majesty King *George* the Third, and also the Oath above set forth ; and that he received the Sum of on being attested, and that I have given to the said a Duplicate of this Certificate, signed with my Name.

SCHEDULE (K.)

FORM OF MASTER'S OATH.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and

SCHE-

SCHEDULE (L.)

FORM OF JUSTICE'S CERTIFICATE.

to wit. } I of One of His Majesty's Justices of the Peace certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did, on or about the Day of , abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

SCHEDULE (M.)

FORM OF OATH.

I do hereby make Oath, That I have not applied any Money or Stores, or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person, by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, and according to the Duty of my Office.

Sworn before me by the within-named }
this Day of }

Justice of the Peace for the County of
or *Commander in Chief*, or
Second in Command, et cetera, *the Army*
serving in et cetera,
[*as the Case may be.*]

SCHE-

SCHEDULE (N.)

DESCRIPTION RETURN of committed to Confinement at on the Day of
as a Deserter from the Battalion of the Regiment of

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

——————— *Signature and Address of Magistrate.*

——————— *Signature of Prisoner.*

——————— *Signature of Informer.*

* Insert "is" or "is not," as the Case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active Service.

——————— *Signature of Surgeon.*

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

SCHEDULE (O.)

NOTICE.

ANY Man who is enrolled in the Militia, and who, upon offering to enlist into the Army denies that he belongs to the Militia, is liable upon Conviction before a Magistrate to be committed to Prison for Six Months, over and above any other Penalty or Punishment which he may thereby incur for obtaining Money on false Pretences.

DECLARATION OF THE RECRUIT.

I _____ do hereby acknowledge, That the above Notice has been read over to me, and that I was strictly questioned by † _____ whether I did or did not belong to the Militia, and that I answered that I did not. I also hereby declare, that I did not then and do not now belong to the Militia.

_____ } *Signature of Recruit.*

Signed in my Presence _____

Justice of the Peace.

† This Blank to be filled up by the Name of the Non-commissioned Officer or Man who actually enlisted the Recruit.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. V.

An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in *England*, for the Service of the Year One thousand eight hundred and twenty-eight.

[26th *March* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned: And whereas by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in* Great Britain *as a Land Tax for One Year, from the Twenty-fifth Day of* March *One thousand seven hundred and ninety-eight*, the several and respective Sums of Money charged by virtue of an Act of the same Session of Parliament, intituled *An Act for granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety-eight*, on any Manors, Messuages, Lands, Tenements, or Hereditaments in *Great Britain*, are, after the Twenty-fifth Day of *March*

38 G. 3. c. 60.

38 G. 3. c. 5.

March One thousand seven hundred and ninety-nine, continued and made perpetual, with a Provision that the several Sums of Money charged upon Estates in ready Money, Debts, Goods, Wares, Merchandize, or Personal Estates, or upon any Person or Persons in respect of any Public Office or Employment of Profit, or any Salaries, Gratuities, Bounty, Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or yearly Payments in the said Act mentioned, should, after the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, be ascertained, raised, levied, collected, and paid, according to the Directions of any Act or Acts to be passed for that Purpose: And whereas the Sums of Money and Duties last mentioned have been from Time to Time continued by divers Acts of Parliament, and are now in force until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight; therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty; by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Sums of Money and Duties which shall have been or shall be charged upon Estates in ready Money, Debts, Goods, Wares, Merchandize, Chattels, or other Personal Estate, by virtue of the said Act passed in the Thirty-eighth Year of the Reign of His said late Majesty, for granting an Aid to His Majesty by a Land Tax, and also the several Sums of Money and Duties which by virtue of the said recited Act, made in the Thirty-eighth Year of His said late Majesty's Reign, for granting an Aid to His Majesty by a Land Tax, were charged in respect of any Public Offices or Employments, or any Annuities, Pensions, Stipends, or other annual Payments, and which have been continued and are in force until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, shall be continued, and raised, levied, collected, and paid unto His present Majesty within the Space of One Year from the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight.

The Duties charged upon Personal Estates, Offices, and Pensions, by recited Acts, further continued.

II. And be it further enacted, That the several Clauses and Provisions contained in an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in* England; *and also for granting certain Duties on Sugar imported; for the Service of the Year One thousand eight hundred and twenty-five*, for the ascertaining, assessing, taxing, regulating, paying, and accounting for the Duties on Personal Estates, Offices, and Pensions, shall extend and be construed to extend to the Duties on Personal Estates, Offices, and Pensions hereby granted and continued, except where other Provisions are made by this Act; and that the several Clauses and Provisions in the said Act contained, which relate or refer to any Day or Time within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-five, shall extend

The several Clauses of 6 G. 4. c. 9. for ascertaining and regulating the Duties, extended to this Act.

and be construed to relate to the like Days and Times within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, in like Manner as by the said recited Act is directed with reference to the Year One thousand eight hundred and twenty-five, and as if the several Clauses and Provisions in the said recited Act contained were repeated and re-enacted in this present Act.

The Officers of the Exchequer to stop the Duties hereby granted out of Annuities, Pensions, &c. payable at the Exchequer, and pay the same over to the Receiver General of the Land Tax.

III. Provided always, and be it enacted, That no Assessment shall be made by any Commissioner or Commissioners, Assessor or Assessors of the Land Tax, or otherwise, on or in respect of the Duties hereby granted on Annuities, Pensions, Stipends, Fees, Salaries, Wages, Allowances, Profits, or other yearly Payments whatsoever payable at the Receipt of His Majesty's Exchequer; nor shall any such Duties be collected or received by any Collector of the Land Tax, or included in the Parchment or other Duplicates, as heretofore; but all and every such Annuities, Pensions, Stipends, Fees, Salaries, Wages, Allowances, Profits, or other yearly Payments, shall be and they are hereby respectively charged, assessed, and taxed with the Duties hereby granted or continued, at the same annual Rate and to the like Amount as the same were respectively rated, charged, and assessed under the said recited Act of the Sixth Year of His present Majesty's Reign, or under any other Act or Acts; and the proper Officer or Officers in the said Exchequer shall, and he and they is and are hereby respectively directed, authorized, and empowered from Time to Time to stop and detain such Duties out of the said Annuities, Pensions, Stipends, Fees, Salaries, Wages, Allowances, Profits, or other yearly Payments or Arrears thereof, without any other or further Authority than the Provisions of this Act, and to all Intents as if such Duties had been brought into Assessment as heretofore, any thing in this Act, or in any other Act or Acts contained to the contrary thereof notwithstanding; and every such Officer or Officers shall, and he and they is and are hereby required from Time to Time to pay over the said Duties so stopped to the Receiver General of the Land Tax authorized to receive the same, and to render true Lists and Accounts thereof *gratis* to the Commissioners for the Affairs of Taxes, so that such Receiver General may be duly charged therewith.

A Register to be kept of all Money paid into the Exchequer for the Duties hereby granted.

Treasury to apply the Money from Time to Time.

IV. And be it further enacted, That there shall be provided and kept, in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, One Book of Register, in which all the Money that shall be paid into the said Exchequer for the said Rates and Duties hereby granted or continued on Personal Estates, and on Offices and Employments of Profit, Pensions, Annuities, and Stipends, shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty, and shall be carried to the Consolidated Fund; and that it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

V. Pro-

Act may be altered, &c. this Session.

V. Provided always, and be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be made in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. VI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine.

[26th *March* 1828.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act made in the First Year of the Reign of His late Majesty King *George* the First of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors;* or to have qualified themselves according to an Act made in the Thirteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations;* or to have qualified themselves according to another Act made in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants, by receiving*

1 G. 1. st. 2. c. 13.

13 C. 2. st. 2. c. 1.

25 C. 2. st. 2. c. 2.

receiving the Sacrament of the Lord's Supper according to the Usage of the Church of England, *and making and subscribing the Declaration against Transubstantiation therein mentioned;* or according to another Act, made in the Thirtieth Year of the Reign of King *Charles* the
30 C. 2. st. 2. Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;* or according to another Act made in the Eighth Year of the Reign of His late Majesty King *George* the First, intituled
8 G. 1. c. 6. *An Act for granting the People called* Quakers *such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under;* or according to another Act made in the Ninth Year of the Reign of His late Majesty King *George* the Second, in-
9 G. 2. c. 26. tituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty, as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees;* or according to another Act made in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, in-
18 G. 2. c. 20. tituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the 'further Qualification of Justices of the Peace;'* or according to another Act made in the Sixth Year of the Reign of His late Majesty King
6 G. 3. c. 53. *George* the Third, intituled *An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act made in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by Law, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively, or by any other Act in that Behalf made, is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of His Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or to receive the Sacrament of the Lord's Supper, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts, or any of them, or by any other Act in that Behalf made, is required; and who, after accepting any such Office, Place, or Employment, or undertaking any Pro-

Persons who have omitted to qualify themselves as required by Law, indemnified, and allowed further Time for that Purpose.

fession or Thing on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths, or made the Declarations required by Law, and also received the Sacrament of the Lord's Supper according to the Usage of the Church of *England*; or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by Law the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said Act made in the First Year of the Reign of His said late Majesty King *George* the First, or by any other Act or Acts in that Behalf made and provided; and also hath or have received, or shall, on or before the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, receive the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, in such Cases wherein the said Sacrament ought to have been received, and hath or ought to have made and subscribed, or shall, on or before the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, make and subscribe the said Declaration against Transubstantiation; and also hath or have made and subscribed, or shall, on or before the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, make and subscribe the said Declaration in the said Statute made in the Thirtieth Year of King *Charles* the Second, in such Cases wherein the said Declaration ought to have been made and subscribed, or to take and subscribe the Oath directed by the said Act made in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, in such Cases wherein the said Oath ought to have been taken and subscribed, in such Manner as by the said Act is directed, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities, incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or receiving the Sacrament, or making or subscribing the said Declaration, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and received the Sacrament of the Lord's Supper, and made and subscribed the said Declaration, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in Manner and within the Time appointed by this Act, shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively

respectively taken the said Oaths and Assurance, and received the Sacrament, and made and subscribed the said Declaration, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Persons who have omitted to make and subscribe the Oaths, &c. required by the Irish Act of 2 Anne, indemnified, and allowed further Time for that Purpose.

II. And whereas several Persons well affected to His Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration, and from receiving the Sacrament of the Lord's Supper, and delivering a Certificate thereof, according to the Directions of an Act passed in the Parliament of *Ireland*, in the Second Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*; be it therefore further enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and received the said Sacrament, and delivered the Certificate thereof, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine.

Not to indemnify Persons against whom final Judgment is given.

III. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after Time allowed by Law.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required

required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid; be it further enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid, have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid, to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped; which such Commissioners are hereby authorized, empowered, and required to duly stamp, on Payment of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries of Admissions as aforesaid, without any Fine or Forfeiture thereon; and in order to denote the said Duties, the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on Stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning Stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped, in Manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, or other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes; and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors, in such Cities, Corporations, or Borough Towns as aforesaid; and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter or Thing whatsoever, already actually avoided by Judgment of any of His Majesty's Courts of Record, or already legally filled up and enjoyed by any other Person; but that such Office or Employment, Benefice, Matter, or Thing so avoided, or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now, or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

General Issue.

VII. And be it further enacted, That in case any Action, Suit, Bill of Indictment, or Information, shall, from and after the passing of this Act, be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever, incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. VII.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, so much of certain Acts of the Parliament of *Ireland* as relate to the lighting, cleansing, and watching of Cities and Towns, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament.

[26th *March* 1828.]

WHEREAS by an Act made in the Parliament of *Ireland*, in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing, reviving, and amending several temporary Statutes; and for empowering the Grand Jury of the County of* Kilkenny, *at the Assizes, to increase the yearly Salary of the Treasurer of the said County;* certain Provisions were made with respect to the lighting and cleansing of Cities, for the lighting and cleansing of which no particular Provision was made by any Act of Parliament then in force: And whereas the said Provisions were amended by an Act made in the Parliament of *Ireland*, in the Thirteenth and Fourteenth Years of His said late Majesty's Reign, intituled *An Act for amending the Laws relative to the lighting and cleansing of several Cities, and for establishing of Market Juries therein, and for other Purposes:* And whereas the said recited Act of the Fifth Year aforesaid, so far as the same relates to the lighting

5 G. 3. (I.)

13 & 14 G. 3. (I.)

and cleansing of the said Cities, was further amended and continued by an Act made in the Parliament of *Ireland*, in the Twenty-fifth Year of His said late Majesty's Reign, intituled *An Act for reviving, continuing, and amending several temporary Statutes:* And whereas by an Act made in the Parliament of *Ireland*, in the Thirty-sixth Year of His said late Majesty's Reign, intituled *An Act to explain and amend several Acts heretofore passed for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns*, the Regulations and Powers in the said herein-before recited Acts were extended to Towns Corporate and Market Towns not being Cities: And whereas under and by virtue of an Act made in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Forty-seventh Year of His said late Majesty's Reign, the said several Acts, so far as they relate to the several Matters aforesaid, were continued and are in force until the Twenty-fifth Day of *April* in this present Year One thousand eight hundred and twenty-eight; and it is expedient that the same be further continued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said herein-before recited Acts, as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns in *Ireland*, for the lighting, cleansing, or watching of which no particular Provision is made by any Act of Parliament now in force in *Ireland*, shall be and the same are hereby further continued, and shall be and remain in force for the Space of One Year from the said Twenty-fifth Day of *April* One thousand eight hundred and twenty-eight, and from thence until the End of the then next Session of Parliament, unless Provision shall in the meantime be made by Parliament for the Repeal of the said Acts, or any of them.

25 G. 3. (I.)

36 G. 3. (I.)

So much of recited Acts as relate to lighting Cities and Towns in Ireland, continued for One Year, unless in the meantime repealed.

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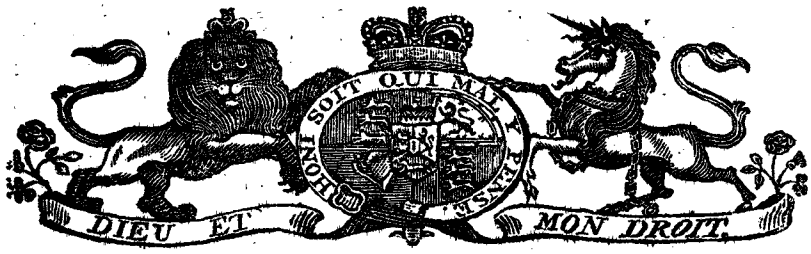

ANNO NONO

GEORGII IV. REGIS.

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CAP. VIII.

An Act for fixing, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers.

[3d *April* 1828.]

WHEREAS by an Act passed in the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, it is (amongst other Things) enacted, that Officers and Soldiers shall be furnished with Diet and Small Beer, upon paying and allowing for the same the several Rates that are or shall be established by any Act or Acts; and an Option is given to Innholders and others upon whom Officers and Soldiers are quartered and billetted, to furnish certain Articles *gratis* in lieu of Diet and Small Beer; and it is just and expedient that an adequate Allowance shall be made and established for Provision and other Articles furnished to Officers and Soldiers: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Non-commissioned Officer and Private Soldier who shall be furnished with Diet and Small Beer, within those Parts of the United Kingdom specified in the said recited Act, by the Innholders or other Persons on whom such Non-commissioned Officers or Private Soldiers shall be quartered and

9 G. 4. c. 4.

Allowance for the Diet of Non-commissioned Officers and Soldiers, 1*s.* per Day.

and billetted by virtue of this Act, shall pay and allow for the same the Sum of One Shilling *per Diem*; and that for such Allowance of One Shilling, the Innholder or other Person shall furnish One Meal, *videlicet*, a hot Dinner, if required, in each Day, to each Non-commissioned Officer, Trumpeter, Drummer, and Private Soldier quartered and billetted on him, to consist of such Quantity of Diet and Small Beer as have been or shall be specified and fixed in and by any Regulations made or to be made from Time to Time by His Majesty in that Behalf, but not to exceed One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables previous to being cooked, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper; and that the Accounts of the same shall be rendered, and Payment thereof made, in like Manner as is directed by the said Act.

Allowance of One Halfpenny per Diem for certain Articles furnished in lieu of Diet and Small Beer.

II. And be it further enacted, That in case any Innholders or other Persons, on whom any Non-commissioned Officers or Private Men shall be quartered within the aforesaid Parts of the United Kingdom, shall, by virtue of the said Option in the said Act, furnish such Non-commissioned Officers or Soldiers with the Articles therein mentioned, in lieu of furnishing Diet and Small Beer at the Rates prescribed by this Act, such Innholders or other Persons on whom such Non-commissioned Officers or Soldiers are quartered, and by whom the said Articles shall have been so supplied, shall receive in consideration thereof One Halfpenny *per Diem* for each Non-commissioned Officer and Soldier; which Sum of One Halfpenny *per Diem* shall be accounted for and paid in like Manner as is directed touching the Rates aforesaid.

For Horses, 10*d.* per Day for Hay and Straw.

III. And be it further enacted, That the Sum to be paid to the Innholder or other Person within the aforesaid Parts of the United Kingdom, on whom any of the Horses belonging to His Majesty's Forces shall be quartered by virtue of the said Act, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse.

Regulation with respect to dieting Non-commissioned Officers and Soldiers on their March.

IV. And be it further enacted, That all Non-commissioned Officers and Soldiers shall be entitled to receive their Diet and Small Beer from the Innholders or other Persons on whom they may be billetted, within the aforesaid Parts of the United Kingdom, at the Rates hereinbefore prescribed, while on the March, as also on and for the Day of their Arrival at the Place of their final Destination, and on the Two subsequent Days, unless either of the Two subsequent Days shall be a Market Day in and for the Town or Place where such Officers or Soldiers shall be billetted, or within the Distance of Two Miles thereof; in which Case it shall be lawful for the Innholder or other Person as aforesaid to discontinue on and from such Market Day the Supply of Diet and Small Beer, and to furnish in lieu thereof the Articles in the said recited Act specified, and at the Rates hereinbefore prescribed.

Persons paying Money to Soldiers on the March,

V. Provided always, That if any Victualler or other Person, liable by the said recited Act to have Soldiers billetted or quartered on him or her, shall pay any Sum or Sums of Money to any Non-commissioned

Officer or Soldier on the March, in lieu of furnishing in Kind the Diet and Small Beer to which such Non-commissioned Officer or Soldier is entitled under the said Act, every such Victualler or other Person may be proceeded against and fined in like Manner as if he or she had refused to furnish or allow, according to the Directions of the said recited Act, the several Things respectively directed to be furnished to Non-commissioned Officers or Soldiers so quartered or billetted on him or her as aforesaid.

in lieu of furnishing Diet and Small Beer, liable to be fined.

VI. Provided also, and be it further enacted, That if any Regiment, Troop, Company, or Detachment, when on the March, shall be halted, either for a limited or indefinite Time, at any intermediate Place, the Non-commissioned Officers and Soldiers belonging thereto shall be entitled to receive their Diet and Small Beer from the Persons on whom they shall be billetted at such intermediate Place, for such Time only for which they would be entitled to receive the same after arriving at the Place of their final Destination, according to this Act.

Soldiers entitled to Diet and Small Beer when halted on a March, as they would be after arriving at their Destination:

VII. Provided nevertheless, That whenever it shall happen that any Regiment, Troop, Company, or Detachment, when on their March, shall be halted, and it shall appear by the Marching Orders that it is not intended that such Regiment, Troop, Company, or Detachment shall halt for any longer Time than One entire Day after the Day of their Arrival at the Place of halting, and the Day after such Arrival shall be such Market Day as aforesaid, it shall not be lawful for the Innholders or other Persons on whom the Non-commissioned Officers and Soldiers shall be billetted, to discontinue on such Market Day the Supply of Diet and Small Beer to any such Officers or Soldiers; but that all such Officers and Soldiers shall be entitled to receive their Diet and Small Beer from such Innholders and other Persons aforesaid, upon such Market Day as aforesaid, at the Rates herein-before prescribed, in like Manner as they would have been entitled thereto if such Day had not been a Market Day; any thing herein-before contained to the contrary thereof notwithstanding.

and if such Halting be only for a Day after Arrival, and that be a Market Day, their Diet and Small Beer not to be discontinued.

VIII. And be it further enacted, That all Non-commissioned Officers and Private Men employed in recruiting, and the Recruits by them raised, shall, while on the March, and for Two Days after the Day of their Arrival at any Recruiting Station, be entitled to the same Benefits as are herein-before provided in regard to Troops upon the March; but no Recruit enlisted after the Two Days subsequent to the Arrival of the Party at their Recruiting Station shall be entitled to be supplied with Diet and Small Beer at the Rates herein-before prescribed, except at the Option of the Person on whom he shall be quartered: Provided also nevertheless, that in case any such Recruiting Party, with the Recruits by them raised, shall remove from their Station, and after a Time shall return to the same Place, they and the Recruits by them raised, so returning, shall not be again entitled to the Supply of Diet and Small Beer for such Two Days as aforesaid, unless the Period between the Time of their Removal from such Place, and their Return thereto, shall have exceeded Twenty-eight Days.

Regulations respecting Recruiting Parties and Recruits on their March.

IX. And

Continuance of Act.

IX. And be it further enacted, That this Act shall have continuance and be in force from the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine; and that all Payments which have been made, and all Acts, Matters, and Things done in pursuance of or in conformity with the Provisions thereof, shall be as good, valid, and effectual to all Intents and Purposes, as if this Act had passed before the said Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight.

Act may be altered this Session.

X. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this Session of Parliament.

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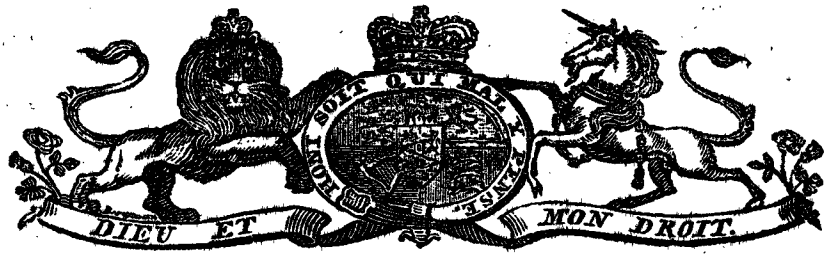

ANNO NONO

GEORGII IV. REGIS.

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CAP. IX.

An Act to enable the Justices of the Peace for *Westminster* to hold their Sessions of the Peace during Term and the Sitting of the Court of King's Bench. [3d *April* 1828.]

WHEREAS by the present Law of this Realm the Justices of the Peace for the City and Liberties of *Westminster* are not authorized to hold their Sessions during the Sitting of His Majesty's Court of King's Bench at *Westminster* or elsewhere in the County of *Middlesex*, and it is expedient that the said Justices should have such Power and Authority, for the more speedy Trial of Offenders, and the more effectual Dispatch of Business; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Justices of the Peace for the City and Liberties of *Westminster* to begin and continue, or to continue when begun, any Session of the Peace for the said City and Liberties, until the Business thereof shall be finally concluded, notwithstanding the Essoign Day or other Commencement of any Term may happen, or His Majesty's Court of King's Bench may sit at *Westminster* or elsewhere in the County of *Middlesex*, before, or at the Beginning, or during the Continuance of any such Session; and that all Trials, Judgments, Proceedings, Acts, and Things whatsoever, had, made, and done at any such Session, and all Proceedings, Acts, and

Sessions of the Peace may be held at Westminster, notwithstanding the Sitting of the Court of King's Bench.

and Things whatsoever in pursuance of such Judgments, shall, notwithstanding the happening of the Essoign Day or other Commencement of any Term, or the Sitting of the Court of King's Bench as aforesaid, be good and valid in Law to all Intents and Purposes: Provided always, that every Session of the Peace to be held for the said City and Liberties shall commence in the Week preceding the holding of each of the Quarter or General Sessions of the Peace for the County of *Middlesex*.

Commencement of the Sessions.

Public Act.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. X.

An Act for applying certain Sums of Money to the Service of the Year One thousand eight hundred and twenty-eight. [3d *April* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the United Kingdom of *Great Britain* and *Ireland* for the Year One thousand eight hundred and twenty-eight, the Balance now in the Exchequer, or which may be paid into the same by the Governor and Company of the Bank of *England* on or before the Fifth Day of *April* One thousand eight hundred and twenty-nine, pursuant to an Act passed in the Fifty-sixth Year of the Reign of His

There shall be applied, for the Service of the Year 1828, the Balance which may be paid into the Exchequer by the Bank

of England on 5th April 1829, pursuant to 56G.3.c.97.; His late Majesty, intituled *An Act to authorize the advancing for the Public Service a Proportion of the Balance that shall from Time to Time remain in the Bank of* England, *for the Payment of the Dividends on account of the Public Debt, for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed;* provided that if at any Time the said Balance shall be reduced to a less Sum than One hundred thousand Pounds, then so much of the Monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the Sum by which the said Balance shall be less than

any Sum paid in respect of Exchequer Bills issued for Public Works; the Sum of One hundred thousand Pounds; and also any Sum or Sums of Money which may have been or which may be paid into the Exchequer before the Fifth Day of *April* One thousand eight hundred and twenty-nine, in respect of Exchequer Bills issued pursuant to Two Acts passed in the Fifty-seventh Year of the Reign of His late Majesty, to authorize the Issue of Exchequer Bills for the carrying on Public

60,000*l.* paid in by the East India Company for Expences of Pensions, &c.; and also 2,134,630*l.* by the Trustees for Military and Naval Pensions, &c. Works and Fisheries in the United Kingdom; and also the Sum of Sixty thousand Pounds, to be paid into the Exchequer by the United Company of Merchants of *England* trading to the *East Indies*, towards the Expence of Retiring Pay, Pensions, and Allowances to His Majesty's Forces serving in *India*, in pursuance of an Act passed in the Fourth Year of the Reign of His present Majesty; and also the Sum of Two millions one hundred thirty-four thousand six hundred and thirty Pounds, to be paid into the Exchequer at *Westminster*, pursuant to Two several Acts passed in the Third and Fourth Years of the Reign of His present Majesty, by the Trustees in whom an Annuity was vested for providing for the Burthens occasioned by Military and Naval Pensions and Civil Superannuations; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XI.

An Act to exempt Vessels propelled by Steam from the Penalties to which Vessels are liable, under various Acts, for having Fire on board in the Ports, Harbours, Rivers, Canals, and Lakes of *Ireland*. [3d *April* 1828.]

WHEREAS by various Acts passed in the Parliament of *Ireland*, certain Provisions were introduced therein respectively, whereby Ships and Vessels are prohibited from the Use of Fire in certain Ports, Rivers, and Harbours within that Kingdom: And whereas it is expedient to exempt Ships, Barges, or Vessels propelled by Steam from such Prohibition; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful to light and use Fires on board all Ships, Vessels, Boats, or Barges propelled by Steam, in or upon any Port, Harbour, River, Canal, or Lake, or any Part thereof, in *Ireland;* any Act or Acts to the contrary notwithstanding.

Fires may be used on board Vessels propelled by Steam on any River, &c. in Ireland.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XII.

An Act to indemnify Witnesses who may give Evidence, before the Lords Spiritual and Temporal, on a Bill to exclude the Borough of *Penryn* from sending Members to serve in Parliament.

[18th *April* 1828.]

WHEREAS the Commons of *Great Britain* and *Ireland*, in Parliament assembled, have passed a Bill, intituled *An Act to exclude the Borough of* Penryn *in the County of* Cornwall *from sending Members to serve in Parliament, and to enable the Town of* Manchester *in the County Palatine of* Lancaster, *with several Townships adjoining, to send Two Burgesses to serve in Parliament:* And whereas it is alleged that there has been the most notorious Bribery and Corruption at Elections of Burgesses or to procure the Election of Burgesses to serve in Parliament for the said Borough of *Penryn*, in order to procure the Return of Burgesses to serve in Parliament for the said Borough: And whereas it is necessary to examine as Witnesses at the Bar of the Lords Spiritual and Temporal, in respect of such alleged Bribery and Corruption, several Persons: And whereas the Evidence of such Persons may lead to Disclosures tending to expose them to penal Consequences: And whereas it is expedient to indemnify such Persons, as they are herein-after indemnified, upon their truly and faithfully making such Disclosure and Discovery as herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

All Persons implicated in Bribery, except Candidates, who may be examined by the House of Lords respecting any alleged Bribery at Elections at Penryn, and shall make a faithful Disclosure, indemnified.

Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting the said Inquiry, that all and every Person and Persons, not having been Candidates or a Candidate for the said Borough at the last Election, who may or hath been or may have been implicated or engaged in such alleged Bribery and Corruption at, or connected with any Election of Members to serve in Parliament for, the said Borough of *Penryn*, and who shall be examined as Witnesses or a Witness, at the Bar of the Lords Spiritual and Temporal, touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Discovery and Disclosure, to the best of his, her, or their Knowledge, touching all Acts, Matters, and Things to which he, she, or they shall be so examined, shall be, and he, she, and they is and are hereby freed, indemnified, and discharged of, from, and against all Penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions which he, she, or they may have been or may become liable or subject to, or which he, she, or they may have incurred or may incur, at the Suit of His Majesty, His Heirs or Successors, or any other Person or Persons, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption, respecting or concerning which such Person or Persons shall be so examined as aforesaid, and shall make such true and faithful Discovery and Disclosure as aforesaid.

Not to extend to any Persons giving false Evidence, or suppressing or refusing to disclose any thing.

II. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be deemed or construed to extend to give any Benefit or Advantage to, or to indemnify, free, or discharge any Person or Person from or against any Forfeitures, Penalties, Punishments, Disabilities, or Incapacities, or any Prosecutions, who being examined as aforesaid shall give any false Evidence, or make any false Discovery, or suppress, or refuse fully and truly to disclose, any Act, Matter, or Thing, within his, her, or their Knowledge, touching or concerning which such Person or Persons shall be so examined as aforesaid; any thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that it shall be lawful for all Persons who shall be so examined as aforesaid, upon any Action or Prosecution commenced or instituted or to be commenced or instituted of or in respect of any of the Matters to which they shall be so examined as aforesaid, to give in Evidence, upon the Trial of such Action or Prosecution, Copies of the Entries contained in the Journals of the Lords Spiritual and Temporal, of such their several Examinations; and that such Copies shall be conclusive Evidence upon the Trial of all such Actions and Prosecutions, of the Fact of the Examination of such Persons, and of the Questions proposed to such Persons, and of the Answers given by them to such Questions.

In Cases of Actions, Copies of Entries of Examinations may be given.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XIII.

An Act for further regulating the Payment of the Duties under the Management of the Commissioners of Stamps on Insurances from Loss or Damage by Fire. [9th *May* 1828.]

WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in* Great Britain, *and for granting other Duties in lieu thereof,* a Duty is imposed in *Great Britain* as follows; that is to say, for and in respect of every Insurance from Loss or Damage by Fire only, which shall be made or renewed or continued by any Public Company, or other Person or Persons, licensed or who ought to be licensed as in the said Act is mentioned, or by the *Royal Exchange* or *London* Assurance Corporation, a Duty of Three Shillings for every One hundred Pounds insured for a Year, and at and after that Rate for any fractional Part of One hundred Pounds insured, and for any fractional Part of a Year, as well as for any Number of Years, for which the Insurance shall be made or renewed or continued: And whereas by an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties,* certain Duties are imposed in *Ireland* as follows; that is to say, for any Assurance or Insurance for or upon

55 G. 3. c. 184.

56 G. 3. c. 56.

any Sum of One hundred Pounds, or any lesser Sum, that is or shall be insured by any Person or Persons, in or by any Policy of Insurance for insuring Houses, Goods, Furniture, Warehouses, Merchandizes, or other Property, from Loss by Fire, yearly, a Duty of Two Shillings and Sixpence, and for every Hundred Pounds of such Insurance after the first Hundred, a like Sum of Two Shillings and Sixpence; and where the Sum insured shall exceed One hundred Pounds, or any progressive Sums of One hundred Pounds each, by any fractional Part of One hundred Pounds, a Duty in proportion for such fractional Part, and so in proportion for any shorter Period than a Year, in all the said Cases of Insurance from Loss by Fire: And whereas in certain Cases several distinct Subjects or Parcels of Risk have been insured collectively in One Sum, specified as payable in case of the Destruction by Fire of any One of such Subjects, and a Premium equal in Amount to the Aggregate of the several Premiums which would be payable for the Insurance of all such separate Subjects or Parcels by separate and distinct Insurances has been received by the Insurers, but the Duty payable to His Majesty under the said recited Acts in respect of such Insurance has been charged and paid only on the Amount of the single Sum specified to be so insured, and has not been increased in like Manner as the Premium has been increased, although such collective Insurance has been made to effect the Purpose of several separate and distinct Insurances, to the manifest Injury of His Majesty's Revenue; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and twenty-eight, in every Case where any Insurance from Loss or Damage by Fire shall be made or renewed or continued upon Two or more detached Buildings, or upon Two or more Buildings so separated from each other as to occasion a Plurality of Risks, or upon any Goods, Wares, Merchandize, or other moveable Property contained in Two or more such Buildings as above described, or lying or being in Two or more Places so separated from each other as to occasion a Plurality of Risks (except the Implements and Stock upon any One Farm), then and in any of the Cases aforesaid every such separate Building shall be separately valued, and a distinct and separate Sum shall be insured thereon, and in like Manner at least One distinct and separate Sum shall be insured upon the Goods, Wares, Merchandize, or other moveable Property contained in every such separate Building, or lying or being in every such separate Place as aforesaid; and it shall not be lawful to insure One gross Sum upon Two or more such separate Subjects or Parcels of Risk as aforesaid taken collectively.

Detached Buildings, or Goods contained in such Buildings, occasioning a Plurality of Risks, shall be valued and insured separately.

II. And be it further enacted, That if at any Time after the said Fifth Day of *April* One thousand eight hundred and twenty-eight, any Policy of Insurance shall be granted or renewed or continued, whereby any Insurance from Loss or Damage by Fire shall be made of or upon Two or more such separate Subjects or Parcels of Risk as aforesaid collectively in One Sum, contrary to the true Intent and Meaning of this Act, such Policy of Insurance shall be void and of none Effect, and shall be deemed and taken to be a fraudulent Con-

Penalty for insuring separate Subjects of Risk collectively in one Sum.

trivance to evade the Duties by the said recited Acts respectively imposed; and the Person or Persons, or Body or Bodies Politic or Corporate, by whom or by which any such Policy of Insurance shall be granted, renewed, or continued, contrary to this Act, shall forfeit and pay the Sum of One hundred Pounds.

Not to prevent separate Buildings, or Property lying therein, from being insured collectively, if an Average Clause be contained in the Policy.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the insuring from Loss or Damage by Fire collectively, in One Sum for the whole, any Number of separate and distinct Buildings, or the Goods, Wares, Merchandize, or other moveable Property contained in any Number of separate and distinct Buildings, or lying or being in any Number of separate and distinct Places; provided that in the Policy whereby such Insurance shall be made there shall be contained a Clause stipulating that in the Event of any Loss or Damage by Fire happening to such Property, or to any Part of such Property thereby insured, the Insurer or Insurers in such Policy shall be liable to pay or make good such Proportion only of the said Loss or Damage as the Sum insured shall bear to the whole collective Value of the said Property at the Time when such Fire shall first break out or happen.

The Duty to be remitted on Policies granted in order to comply with this Act.

IV. Provided always, and be it further enacted, That in all Cases in which it shall be necessary that new Policies should be granted in lieu of others now existing, in order to enable the Parties in possession of the same to comply with the Provisions of this Act, it shall be lawful for the Commissioners of Stamps, and they are hereby authorized and required, to remit the Duty upon the Stamp of the Policy so required to be renewed.

Not to affect Policies made before 5th April 1828.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Contracts or Policies of Insurance made or to be made on or before the Fifth Day of *April* One thousand eight hundred and twenty-eight, or any of the Terms, Conditions, or Stipulations thereof.

Recovery of Penalties.

VI. And be it further enacted, That any pecuniary Penalty or Forfeiture which shall or may be incurred under the Provisions of this Act shall and may be recovered for the Use of His Majesty, His Heirs and Successors, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts, to be commenced, prosecuted, entered, or filed in the Name of His Majesty's Attorney or Solicitor General in *England* or *Ireland*, or of His Majesty's Advocate or Solicitor General for *Scotland*, (as the Case may be,) in *England*, *Ireland*, or *Scotland* respectively.

Act may be altered.

VII. And be it further enacted, That this Act may be altered, amended, or repealed, by any Act or Acts to be passed in this present Session of Parliament.

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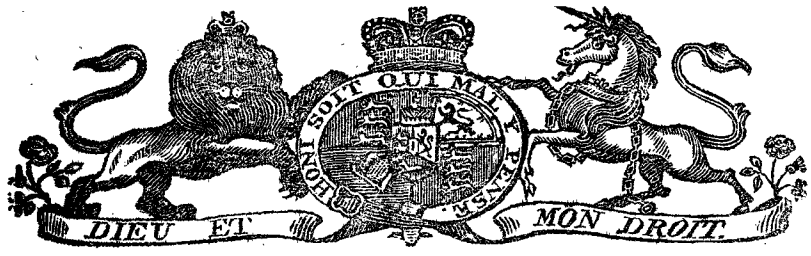

ANNO NONO

GEORGII IV. REGIS.

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CAP. XIV.

An Act for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements. [9th *May* 1828.]

WHEREAS by an Act passed in *England* in the Twenty-first Year of the Reign of King *James* the First, it was, among other Things, enacted, that all Actions of Account and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded upon any Lending or Contract without Specialty, and all Actions of Debt for Arrearages of Rent, should be commenced within Three Years after the End of the then present Session of Parliament, or within Six Years next after the Cause of such Actions or Suit, and not after: And whereas a similar Enactment is contained in an Act passed in *Ireland* in the Tenth Year of the Reign of King *Charles* the First: And whereas various Questions have arisen in Actions founded on Simple Contract, as to the Proof and Effect of Acknowledgments and Promises offered in Evidence for the Purpose of taking Cases out of the Operation of the said Enactments; and it is expedient to prevent such Questions, and to make Provision for giving Effect to the said Enactments and to the Intention thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

English Act, 21 Jac. 1. c. 16.

Irish Act, 10 Car. 1. Sess. 2. c. 6.

In Actions of Debt or upon the Case, no Acknowledgment shall be deemed sufficient unless it be in Writing, or by Part Payment.

Joint Contractors.

That in Actions of Debt or upon the Case grounded upon any Simple Contract no Acknowledgment or Promise by Words only shall be deemed sufficient Evidence of a new or continuing Contract, whereby to take any Case out of the Operation of the said Enactments or either of them, or to deprive any Party of the Benefit thereof, unless such Acknowledgment or Promise shall be made or contained by or in some Writing to be signed by the Party chargeable thereby; and that where there shall be Two or more Joint Contractors, or Executors or Administrators of any Contractor, no such Joint Contractor, Executor, or Administrator shall lose the Benefit of the said Enactments or either of them, so as to be chargeable in respect or by reason only of any written Acknowledgment or Promise made and signed by any other or others of them: Provided always, that nothing herein contained shall alter or take away or lessen the Effect of any Payment of any Principal or Interest made by any Person whatsoever: Provided also, that in Actions to be commenced against Two or more such Joint Contractors, or Executors or Administrators, if it shall appear at the Trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to One or more of such Joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new Acknowledgment or Promise, or otherwise, Judgment may be given and Costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

Proviso for the Case of Joint Contractors.

Pleas in Abatement.

II. And be it further enacted, That if any Defendant or Defendants in any Action on any Simple Contract shall plead any Matter in Abatement, to the Effect that any other Person or Persons ought to be jointly sued, and Issue be joined on such Plea, and it shall appear at the Trial that the Action could not, by reason of the said recited Acts or this Act, or of either of them, be maintained against the other Person or Persons named in such Plea, or any of them, the Issue joined on such Plea shall be found against the Party pleading the same.

Indorsements of Payment.

III. And be it further enacted, That no Indorsement or Memorandum of any Payment written or made after the Time appointed for this Act to take Effect, upon any Promissory Note, Bill of Exchange, or other Writing, by or on the Behalf of the Party to whom such Payment shall be made, shall be deemed sufficient Proof of such Payment, so as to take the Case out of the Operation of either of the said Statutes.

Simple Contract Debts alleged by way of Set-off.

IV. And be it further enacted, That the said recited Acts and this Act shall be deemed and taken to apply to the Case of any Debt on Simple Contract alleged by way of Set-off on the Part of any Defendant, either by Plea, Notice, or otherwise.

Confirmation of Promises made by Infants.

V. And be it further enacted, That no Action shall be maintained whereby to charge any Person upon any Promise made after full Age to pay any Debt contracted during Infancy, or upon any Ratification after full Age of any Promise or Simple Contract made during

during Infancy, unless such Promise or Ratification shall be made by some Writing signed by the Party to be charged therewith.

Representations of Character.

VI. And be it further enacted, That no Action shall be brought whereby to charge any Person upon or by reason of any Representation or Assurance made or given concerning or relating to the Character, Conduct, Credit, Ability, Trade, or Dealings of any other Person, to the Intent or Purpose that such other Person may obtain Credit, Money, or Goods upon, unless such Representation or Assurance be made in Writing, signed by the Party to be charged therewith.

29 Car. 2. c. 3.

VII. And whereas by an Act passed in *England* in the Twenty-ninth Year of the Reign of King *Charles* the Second, intituled *An Act for the Prevention of Frauds and Perjuries*, it is, among other Things, enacted, that from and after the Twenty-fourth Day of *June* One thousand six hundred and seventy-seven, no Contract for the Sale of any Goods, Wares, and Merchandizes, for the Price of Ten Pounds Sterling or upwards, shall be allowed to be good, except the Buyer shall accept Part of the Goods so sold, and actually receive the same, or give something in earnest to bind the Bargain, or in part of Payment, or that some Note or Memorandum in Writing of the said Bargain be made and signed by the Parties to be charged by such Contract, or their Agents thereunto lawfully authorized: And whereas a similar Enactment is contained in an Act passed in *Ireland* in the Seventh Year of the Reign of King *William* the Third: And whereas it has been held, that the said recited Enactments do not extend to certain Executory Contracts for the Sale of Goods, which nevertheless are within the Mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such Executory Contracts; be it enacted, That the said Enactments shall extend to all Contracts for the Sale of Goods of the Value of Ten Pounds Sterling and upwards, notwithstanding the Goods may be intended to be delivered at some future Time, or may not at the Time of such Contract be actually made, procured, or provided, or fit or ready for Delivery, or some Act may be requisite for the making or completing thereof, or rendering the same fit for Delivery.

Irish Act, 7 W. 3. c. 12.

Powers of recited Acts extended to Contracts for Goods of 10*l.* or upwards, although the Delivery be not made.

Memorandums exempted from Stamps.

VIII. And be it further enacted, That no Memorandum or other Writing made necessary by this Act shall be deemed to be an Agreement within the Meaning of any Statute relating to the Duties of Stamps.

Not to extend to Scotland.

IX. And be it further enacted, That nothing in this Act contained shall extend to *Scotland*.

Commencement of Act.

X. And be it further enacted, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and twenty-nine.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XV.

An Act to prevent a Failure of Justice by reason of Variances between Records and Writings produced in Evidence in support thereof.

[9th *May* 1828.]

WHEREAS great Expence is often incurred, and Delay or Failure of Justice takes place at Trials, by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof upon the Record on which the Trial is had, in Matters not material to the Merits of the Case, and such Record cannot now in any Case be amended at the Trial, and in some Cases cannot be amended at any Time: For Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for every Court of Record holding Plea in Civil Actions, any Judge sitting at Nisi Prius, and any Court of Oyer and Terminer and General Gaol Delivery in *England*, *Wales*, the Town of *Berwick-upon-Tweed*, and *Ireland*, if such Court or Judge shall see fit so to do, to cause the Record on which any Trial may be pending before any such Judge or Court in any Civil Action, or in any Indictment or Information for any Misdemeanor, when any Variance shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof upon the Record whereon the Trial is pending, to be forth-

In Cases where a Variance shall appear between written or printed Evidence and the Record, the Court may order the Record to be amended on Payment of Costs.

forthwith amended in such Particular by some Officer of the Court, on Payment of such Costs (if any) to the other Party as such Judge or Court shall think reasonable; and thereupon the Trial shall proceed as if no such Variance had appeared; and in case such Trial shall be had at Nisi Prius, the Order for the Amendment shall be indorsed on the Postea, and returned together with the Record; and thereupon the Papers, Rolls, and other Records of the Court from which such Record issued, shall be amended accordingly.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XVI.

An Act to repeal so much of several Acts as empowers the Commissioners for the Reduction of the National Debt to grant Life Annuities.

[9th *May* 1828.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities:* And whereas another Act was passed in the Forty-ninth Year of the Reign of His late Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities:* And whereas another Act was passed in the Fifty-second Year of the Reign of His late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities:* And whereas another Act was passed in the Fifty-sixth Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual Three several Acts, passed in the Forty-eighth, Forty-ninth, and Fifty-second Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities:* And whereas another Act was passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual Four several Acts, passed in the Forty-eighth,* 48G.3.c.142. 49G.3.c.64. 52G.3.c.129. 56G.3.c.53. 57G.3.c.26.

Forty-ninth, Fifty-second, and Fifty-sixth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act for transferring the several Annuities of Five Pounds* per Centum per Annum *into Annuities of Four Pounds* per Centum per Annum: And whereas another Act was passed in the said Third Year of the Reign of His present Majesty, intituled *An Act to regulate the Performance of certain Contracts, and to authorize the Courts of Chancery and Exchequer to make Orders in Cases which may arise out of the Conversion of certain Annuities of Five Pounds* per Centum per Annum *into Annuities of Four Pounds* per Centum per Annum; *and for paying off such Proprietors of Five Pounds* per Centum *Annuities as shall dissent from receiving Four Pounds* per Centum *Annuities in lieu thereof:* And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for transferring several Annuities of Four Pounds* per Centum per Annum *into Annuities of Three Pounds Ten Shillings* per Centum per Annum: And whereas another Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for funding Eight Millions of Exchequer Bills:* And whereas it is expedient that the Powers and Provisions of the said recited Acts should be repealed, so far as the same relate to the granting of any Life Annuities, or authorizing the said Commissioners to accept the Transfer of any Stocks for any Life Annuities under the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all such of the Powers and Authorities as are by the said recited Acts, or any or either of them, given to the Commissioners for the Reduction of the National Debt, for or in relation to the granting of any Life Annuities, or the accepting the Transfers of any Stock for any Life Annuities, shall be and the same are hereby repealed.

3 G. 4. c. 9.

3 G. 4. c. 61.

5 G. 4. c. 11.

7 G. 4. c. 39.

Powers given to Commissioners for Reduction of the National Debt, for granting Life Annuities, repealed.

Not to affect Annuities already granted, or any Penalties imposed in relation thereto.

II. Provided always, and be it further enacted, That from and after the passing of this Act, so much of the said recited Acts as shall relate to the completing or carrying into Execution any Contract heretofore made in relation to any deferred Life Annuity, or in relation to the Accumulation of any Stock for a future Annuity, or to the completing of any Contract upon any Certificates and Affidavits deposited with the said Commissioners before the Twenty-fourth Day of *March* One thousand eight hundred and twenty-eight, or to the reclaiming and Payment of any unclaimed Annuity which may have been carried back to the Sinking Fund, or to the Payment of the Fourth Part of any expired Life Annuity, or to the demanding and receiving, paying, accounting for, and managing the Life Annuities which may have been granted, or may be granted, under the Provisions of the said recited Acts or this Act, or any or either of them, and all the Provisions, Powers, Authorities, Restrictions, and Regulations relating to the demanding and recovering of any such unclaimed Life Annuities, or of any Fourth Parts of any such expired Life

Annuities, or of any Life Annuities granted under the Provisions of the said recited Acts or this Act, by any Person or Persons entitled thereto, or to the paying and accounting for, regulating, managing, and accounting for the same, by the said Commissioners, and all Penalties, Forfeitures, and Punishments imposed and enacted in relation thereto respectively, shall remain and continue in force; any thing in the said recited Acts or this Act to the contrary notwithstanding.

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ANNO NONO

GEORGII IV. REGIS.

CAP. XVII.

An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments. [9th *May* 1828.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations:* 13 C. 2. st. 2. c. 1.
And whereas another Act was passed in the Twenty-fifth Year of the Reign of King *Charles* the Second, intituled *An Act for preventing Dangers which may happen from Popish Recusants:* 25 C. 2. c. 2.
And whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpose; and also for amending so much of an Act made in the Twenty-fifth Year of the Reign of King* Charles *the Second, intituled 'An Act for preventing Dangers which may happen from Popish Recusants,' as relates to the Time for receiving the Sacrament of the Lord's Supper now limited by the said Act:* 16 G. 2. c. 30.
And whereas it is expedient that so much of the said several Acts of Parliament as imposes the Necessity of taking the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, for the Purposes therein respectively mentioned, should be repealed; be it therefore enacted by the King's most Excellent

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said several Acts passed in the Thirteenth and Twenty-fifth Years of the Reign of King *Charles* the Second, and of the said Act passed in the Sixteenth Year of the Reign of King *George* the Second, as require the Person or Persons in the said Acts respectively described to take or receive the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, for the several Purposes therein expressed, or to deliver a Certificate or make Proof of the Truth of such his or their receiving the said Sacrament in manner aforesaid, or as impose upon any such Person or Persons any Penalty, Forfeiture, Incapacity, or Disability whatsoever for or by reason of any Neglect or Omission to take or receive the said Sacrament, within the respective Periods and in the Manner in the said Acts respectively provided in that Behalf, shall, from and immediately after the passing of this Act, be and the same are hereby repealed.

So much of recited Acts as require the Persons therein described to receive the Sacrament, for certain Purposes, repealed.

II. And whereas the Protestant Episcopal Church of *England* and *Ireland*, and the Doctrine, Discipline, and Government thereof, and the Protestant Presbyterian Church of *Scotland*, and the Doctrine, Discipline, and Government thereof, are by the Laws of this Realm severally established, permanently and inviolably: And whereas it is just and fitting, that on the Repeal of such Parts of the said Acts as impose the Necessity of taking the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, as a Qualification for Office, a Declaration to the following Effect should be substituted in lieu thereof; be it therefore enacted, That every Person who shall hereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to any Office of Magistracy, or Place, Trust, or Employment relating to the Government of any City, Corporation, Borough, or Cinque Port within *England* and *Wales* or the Town of *Berwick-upon-Tweed*, shall, within One Calendar Month next before or upon his Admission into any of the aforesaid Offices or Trusts, make and subscribe the Declaration following:

Declaration to be made in lieu of the Sacramental Test.

Form of Declaration.

'I *A.B.* do solemnly and sincerely, in the Presence of God, profess, testify, and declare, upon the true Faith of a Christian, That I will never exercise any Power, Authority, or Influence which I may possess by virtue of the Office of to injure or weaken the Protestant Church as it is by Law established in *England*, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the Possession of any Rights or Privileges to which such Church, or the said Bishops and Clergy, are or may be by Law entitled.'

III. And be it enacted, That the said Declaration shall be made and subscribed as aforesaid, in the Presence of such Person or Persons respectively, who, by the Charters or Usages of the said respective Cities, Corporations, Boroughs, and Cinque Ports, ought to administer the Oath for due Execution of the said Offices or Places respectively, and in default of such, in the Presence of Two Justices of the Peace of the said Cities, Corporations, Boroughs, and Cinque Ports, if such there

Declaration to be subscribed before Magistrates, &c.

there be, or otherwise in the Presence of Two Justices of the Peace of the respective Counties, Ridings, Divisions, or Franchises wherein the said Cities, Corporations, Boroughs, and Cinque Ports are; which said Declaration shall either be entered in a Book, Roll, or other Record, to be kept for that Purpose, or shall be filed amongst the Records of the City, Corporation, Borough, or Cinque Port.

In case of Neglect to make the Declaration, Election to be void.

IV. And be it enacted, That if any Person, placed, elected, or chosen into any of the aforesaid Offices or Places, shall omit or neglect to make and subscribe the said Declaration in manner above mentioned, such Placing, Election, or Choice shall be void; and that it shall not be lawful for such Person to do any Act in the Execution of the Office or Place into which he shall be so chosen, elected, or placed.

Persons admitted into any Office which heretofore required the taking of the Sacrament, shall make the Declaration within Six Months, or the Appointment be void.

V. And be it further enacted, That every Person who shall hereafter be admitted into any Office or Employment, or who shall accept from His Majesty, His Heirs and Successors, any Patent, Grant, or Commission, and who by his Admittance into such Office or Employment or Place of Trust, or by his Acceptance of such Patent, Grant, or Commission, or by the Receipt of any Pay, Salary, Fee, or Wages by reason thereof, would by the Laws in force immediately before the passing of this Act have been required to take the Sacrament of the Lord's Supper according to the Rites or Usage of the Church of *England*, shall, within Six Calendar Months after his Admission to such Office, Employment, or Place of Trust, or his Acceptance of such Patent, Grant, or Commission, make and subscribe the aforesaid Declaration, or in Default thereof his Appointment to such Office, Employment, or Place of Trust, and such Patent, Grant, or Commission, shall be wholly void.

Declaration to be made in the Court of Chancery or King's Bench, or at the Quarter Sessions.

VI. And be it further enacted, That the aforesaid Declaration shall be made and subscribed in His Majesty's High Court of Chancery, or in the Court of King's Bench, or at the Quarter Sessions of the County or Place where the Person so required to make the same shall reside; and the Court in which such Declaration shall be so made and subscribed shall cause the same to be preserved among the Records of the said Court.

Proviso as to Naval and Military Officers under certain Rank, and to Officers of the Revenue.

VII. Provided always, That no Naval Officer below the Rank of Rear Admiral, and no Military Officer below the Rank of Major General in the Army or Colonel in the Militia, shall be required to make or subscribe the said Declaration, in respect of his Naval or Military Commission; and that no Commissioner of Customs, Excise, Stamps, or Taxes, or any Person holding any of the Offices concerned in the Collection, Management, or Receipt of the Revenues which are subject to the said Commissioners, or any of the Officers concerned in the Collection, Management, or Receipt of the Revenues subject to the Authority of the Postmaster General, shall be required to make or subscribe the said Declaration, in respect of their said Offices or Appointments: Provided also, that nothing herein contained shall extend to require any Naval or Military Officer, or other Person as aforesaid, upon whom any Office, Place, Commission, Appointment,

or

or Promotion shall be conferred during his Absence from *England*, or within Three Months previous to his Departure from thence, to make and subscribe the said Declaration until after his Return to *England*, or within Six Months thereafter.

Persons now in Possession of any Office which heretofore required the taking of the Sacrament, confirmed in such Possession, and indemnified from Penalties.

VIII. And be it further enacted, That all Persons now in the actual Possession of any Office, Command, Place, Trust, Service, or Employment, or in the Receipt of any Pay, Salary, Fee, or Wages, in respect of or as a Qualification for which, by virtue of or under any of the before-mentioned Acts or any other Act or Acts, they respectively ought to have heretofore taken or ought hereafter to receive the said Sacrament of the Lord's Supper, shall be and are hereby confirmed in the Possession and Enjoyment of their said several Offices, Commands, Places, Trusts, Services, Employments, Pay, Salaries, Fees, and Wages respectively, notwithstanding their Omission or Neglect to take or receive the Sacrament of the Lord's Supper in manner aforesaid, and shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Forfeitures, and Penalties whatsoever, already incurred or which might hereafter be incurred in consequence of any such Omission or Neglect; and that no Election of or Act done or to be done by any such Person or under his Authority, and not yet avoided, shall be hereafter questioned or avoided by reason of any such Omission or Neglect, but that every such Election and Act shall be as good, valid, and effectual as if such Person had duly received the said Sacrament of the Lord's Supper in manner aforesaid.

Omissions of Persons to make the Declaration not to affect others not privy thereto.

IX. Provided nevertheless, That no Act done in the Execution of any of the Corporate or other Offices, Places, Trusts, or Commissions aforesaid, by any such Person omitting or neglecting as aforesaid, shall by reason thereof be void or voidable as to the Rights of any other Person not privy to such Omission or Neglect, or render such last-mentioned Person liable to any Action or Indictment.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

CAP. XVIII.

An Act to repeal the Stamp Duties on Cards and Dice made in the United Kingdom, and to grant other Duties in lieu thereof; and to amend and consolidate the Acts relating to such Cards and Dice, and the Exportation thereof.

[9th *May* 1828.]

WHEREAS it is expedient that the Duties of Stamps payable upon playing Cards and Dice made fit for Sale or Use in *Great Britain*, and made, manufactured, or vended in *Ireland*, and the several Regulations in force relating to the said Duties, and to the Exportation of Cards and Dice, should be repealed, and that other Duties should be granted, and other Regulations made in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the Duties on Cards and Dice granted and made payable in *Great Britain* by an Act made in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in* Great Britain, *and to grant new and additional Duties in lieu thereof;* and also the Duties on Cards and Dice granted and made payable in *Ireland* by an Act made in the Fifty-sixth Year of

The Duties on Cards and Dice under 44 G. 3. c. 98. in Great Britain, and 56 G. 3. c. 56. in Ireland, repealed.

His said late Majesty's Reign, intituled *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties;* and all Licences which at any Time before the Commencement of this Act shall or may have been granted to any Makers of Cards or Dice, under the Authority of the said Acts, or of any of the Acts herein-after mentioned, shall cease and determine, and shall be and the same are hereby repealed; and that from and after the Commencement of this Act so much and such Parts of the said recited Acts of the Forty-fourth and Fifty-sixth Years of His said late Majesty's Reign, as relates or relate to the Duties on playing Cards and Dice, and also so much and such Parts of the several Acts herein-after mentioned, or any of them, and all such Clauses and Provisions contained in the said Acts, or any of them, as any way relates or relate to the said Duties, and to the Collection and Regulation thereof, and to the Exportation of Cards and Dice, shall also be repealed; that is to say, in an Act made in the Ninth Year of the Reign of Queen *Anne*, for the Purpose, among other Things, of charging certain new Duties on stampt Vellum, Parchment, and Paper, and on Cards and Dice; and also in an Act made in the Tenth Year of the Reign of the said Queen *Anne*, for the Purpose, among other Things, of charging certain Stocks of Cards and Dice, and for better securing Her Majesty's Duties to arise in the Office for the Stamp Duties; and also in an Act made in the Sixth Year of the Reign of King *George* the First, intituled *An Act for preventing Frauds and Abuses in the Public Revenues of Excise, Customs, Stamp Duties, Post Office, and House Money;* and also in an Act made in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for granting to His Majesty an additional Duty on Cards and Dice;* and also in an Act made in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering the Stamp Duties on Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in* Great Britain; and also in an Act made in the Sixteenth Year of His said late Majesty's Reign, among other Purposes, for granting to His Majesty several Duties on Cards, Dice, and Newspapers; and also in an Act made in the Forty-first Year of His said late Majesty's Reign, intituled *An Act for granting to His Majesty additional Stamp Duties on Cards and Dice, on Probates of Wills, on certain Indentures, Leases, Bonds, or other Deeds, and on Ale Licences;* and also in an Act made in the Fifty-fifth Year of His said late Majesty's Reign, intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect of which Licences may be granted by the Commissioners of Stamps in* Ireland; and so much and such Parts as aforesaid of and in all the said recited Acts or any of them, and all Duties on Cards and Dice, and all Clauses, Provisions, and Regulations contained in the said Acts or any of them, or in any other Act or Acts in force immediately before the Commencement of this Act, relating to such Duties, or to any Licences to any Makers of Cards or Dice, or to the Exportation of Cards and Dice, are hereby repealed accordingly; save and except so far as the said Acts or any of them, or any thing therein contained, may repeal the Whole or any Part of any

All the Regulations in the said recited Acts relating to Cards and Dice repealed, as also those in the Acts herein specified; viz.

9 Anne, c. 23. s. 40–43.

10 Anne, c. 19. s. 162, 163. 166–170.

6 G. 1. c. 21. s. 55. 57. 59, 60.

29 G. 2. c. 13.

5 G. 3. c. 46. s. 9–17. 41.

16 G. 3. c. 34. s. 17.

41 G. 3. c. 86. s. 4.

55 G. 3. c. 101.

Save and except as they repeal

any other Act or Acts; and also save and except such Duties on Cards and Dice, or any Part or Arrear thereof, as may be or become or remain payable, and every or any Penalty which may have been or may be incurred under any of the said Acts at any Time before the Commencement of this Act, all which said Duties and Penalties shall be recoverable, and shall and may be sued for in the same Manner as if this Act had not been made; and also save and except so far as relates to the several Bonds which shall have been given in pursuance of any of the said Acts, all which Bonds shall continue and be in full Force and Effect until the Conditions of such Bonds shall have been duly performed and fulfilled. former Acts, or as to Arrears of Duty.

II. And be it further enacted, That from and after the Commencement of this Act there shall be granted, raised, levied, collected, and paid, in the United Kingdom of *Great Britain* and *Ireland*, unto His Majesty, His Heirs and Successors, the several Duties following; that is to say, Grant of Duties.

For and upon every Licence to be taken out annually by every Maker of playing Cards or Dice in the United Kingdom, the Sum of Five Shillings:

And for and in respect of every Pack of playing Cards which shall be made fit for Sale or Use in the United Kingdom, the Sum of One Shilling:

And for and in respect of every Pair of Dice which shall be made fit for Sale or Use in the United Kingdom, the Sum of Twenty Shillings.

III. And be it further enacted, That the said Duties shall be under the Care and Management of the Commissioners of Stamps for the United Kingdom for the Time being; and it shall be lawful for the said Commissioners, and they are hereby required and empowered, to provide proper Stamps, Dies, Marks, or Plates, with such Devices as they shall think proper, as well for denoting or expressing the several Duties hereby granted, as for marking and distinguishing Cards made for Use in the *Isle of Man*, or for Exportation respectively; and from Time to Time to alter, renew, or add to such Stamps, Dies, Marks, or Plates, as they shall think proper; and also to appoint or employ such Officers and Persons under them, and to do all such other Acts and Things as shall be deemed necessary or expedient for putting this Act into Execution, and for fully and effectually collecting the Duties hereby granted, in the like and in as full and ample Manner as they or any former Commissioners are or have been authorized to do for the raising and collecting of any former Stamp Duties, or for putting into Execution any Act relating thereto. Duties to be under the Management of the Commissioners of Stamps, who are to provide Stamps, &c. and appoint Officers, &c.

IV. And be it further enacted, That the Duty by this Act imposed on playing Cards shall be denoted or marked on the Ace of Spades of each Pack of Cards. Duty to be denoted on the Ace of Spades.

V. And be it further enacted, That from and after the Commencement of this Act every Person who shall intend to make, or who shall Cards and Dice Makers to take out

a Licence, which must be renewed annually.

shall engage or be concerned in the Trade or Employment of making, any playing Cards or Dice, whether for Use in the United Kingdom, or for Exportation, or otherwise, shall, before making or beginning to make, or being concerned or engaged in the Trade or Employment of making, any playing Cards or Dice, apply in Writing to the Commissioners of Stamps for a Licence to make such Cards or Dice, specifying in such Application, to the Satisfaction of the said Commissioners, every House, Building, Room, or Place where such Cards or Dice are intended to be made; and it shall thereupon be lawful for the said Commissioners, or any Two of them, under their Hands and Seals, and they are hereby required, to grant a Licence to such Person so applying for the making of playing Cards or of Dice in such Premises only as shall be described in such Licence; and every such Licence shall be dated on the Day on which the same shall be granted, and shall have effect and continue in force from the Day of the Date thereof until the Fifth Day of *July* following, and no longer, and shall be renewed in like Manner from Year to Year, so long as such Person shall continue to make, or shall be engaged or concerned in the Trade or Employment of making, any such Cards or Dice; and if any Person shall make or begin to make, or shall engage or be concerned in the Trade or Employment of making, any such Cards or Dice, without such Licence first had and obtained and then in force, or in any other Place than such as shall be particularly described in such Licence, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, together with all playing Cards and Dice made or begun to be made by such Person, or on his Account, or for his Benefit; and all Materials, Implements, Tools, and Utensils for making such Cards or Dice, which shall be found in the Possession of or subject to the Controul or Disposition of any such Offender, shall be forfeited, and shall and may be taken, seized, and carried away by any Officer of Stamps, or other Person authorized for that Purpose by the said Commissioners of Stamps, and shall and may be lodged and deposited by the Person so seizing the same in any Place appointed for that Purpose by the said Commissioners, or by any Person authorized by them in that behalf, and shall be sold or destroyed by the Direction and at the Discretion of the said Commissioners.

Penalty on making Cards or Dice without Licence, 100*l.* and Forfeiture of Materials.

Persons requiring Licences to give Bond for the due Performance of all Things required therein.

VI. And be it further enacted, That before any Person shall receive any such Licence, such Person shall, with One or more sufficient Surety or Sureties, to be approved of by the Commissioners of Stamps, or by such Officer as may be by them appointed in that Behalf, execute a joint and several Bond to His Majesty, His Heirs and Successors, in the penal Sum of Five hundred Pounds, conditioned for the due Performance by the Person so to be licensed of all Things required by any Act then in force, or at any future Time to be in force, relating to Duties of Stamps on playing Cards or Dice, to be by such Person done, observed, performed, or fulfilled, and also conditioned that the Person so to be licensed, or the Heirs, Executors, or Administrators of such Person, shall answer and pay to His Majesty, His Heirs and Successors, all such Duties as such Person shall be liable to on account of making any playing Cards or Dice during the Time such Person shall carry on or be concerned

in

in the Trade or Employment of a Maker of playing Cards or Dice, and shall also pay and satisfy every such Fine or Penalty as shall be incurred by or adjudged to be paid by such Person under any Conviction or Judgment, for any thing to be done or omitted by such Person contrary to any Act relating to the Duties on playing Cards or Dice in force at the Time of or at any Time subsequent to the Date of such Bond, and also conditioned, in the Case of a Maker of Cards, to answer and pay to His Majesty the Sum of One Shilling for every Ace of Spades delivered to such Maker of Cards, which shall not be produced or duly accounted for upon any Inspection of his Stock by any Officer of Stamps: Provided always, that it shall be lawful for the said Commissioners of Stamps, and they are hereby authorized, whenever and so often as they shall see reasonable Cause so to do, to require any new Bond to be given and entered into by any Maker of playing Cards or Dice, according to a Notice in Writing, to be signed by One of the Officers of the said Commissioners, to be delivered to such Maker, or left at some House or Place mentioned in the Licence last granted to such Maker; and if any such Maker shall not, within Seven Days after the Delivery of such Notice, enter into such Bond, with a Surety or Sureties, in the Manner and Form directed by this Act, the Licence granted to any such Maker shall be and is hereby declared to be revoked and utterly void.

New Bonds may be required by Commissioners.

VII. And be it further enacted, That no Licence shall be granted to any Person making playing Cards or Dice, nor shall any Person set up or exercise the Trade or Employment of making playing Cards or Dice, nor make or cause to be made any playing Cards or Dice, in any Part of *Great Britain*, except in the Cities of *London* and *Westminster*, or in the Borough of *Southwark*, nor in any Part of *Ireland*, other than in the Cities of *Dublin* and *Cork*, or in the respective Liberties of the said Cities of *Dublin* and *Cork*; and that from and after the Expiration of Three Years after the Commencement of this Act, no Person shall set up or exercise such Trade or Employment of making, or shall make or cause to be made, any playing Cards or Dice in any Part of *Ireland* other than in the City of *Dublin* or the Liberties thereof; and that every Person who shall set up or exercise the Trade or Employment of making, or shall make or cause to be made, any playing Cards or Dice in any other City, Town, or Place in the United Kingdom of *Great Britain* and *Ireland* than as aforesaid respectively, shall for every such Offence forfeit the Sum of One hundred Pounds, and for every Day during which such Trade or Employment shall be continued or carried on after the first Day thereof a further Sum of Twenty Pounds.

No Cards or Dice to be made in any Places in Great Britain, but London, Westminster, or Southwark; nor in Ireland, but in Dublin and Cork; and after 3 Years in Dublin only.

VIII. And be it further enacted, That every Maker of playing Cards in the United Kingdom shall send to the Commissioners of Stamps, or to their proper Officer, a sufficient Quantity of Paper, in order to have so many Aces of Spades marked or impressed thereon as such Maker shall desire; and no Pack of playing Cards made fit for Sale or Use in any Part of the United Kingdom, or in the *Isle of Man*, or made for Exportation, shall be sold, or used in play, or shall be exported, without One of such Aces of Spades marked or impressed as is by this Act directed: Provided always, that there shall be one distinguishing

Card Makers to send sufficient Paper to the Stamp Office to have Aces of Spades marked thereon, one of which to be put in each Pack.

Distinguishing Marks to denote Cards for Home Use or for Exportation.

distinguishing Mark in the Ace of Spades intended for Cards made fit for Sale or Use in the United Kingdom, one other distinguishing Mark in the Ace of Spades intended for Cards made for Use in the *Isle of Man*, and one other distinguishing Mark in the Ace of Spades intended for Cards made for Exportation.

Card Makers to send Patterns of Wrappers to the Commissioners for their Approval.

IX. And be it further enacted, That every Maker of playing Cards shall from Time to Time send to the said Commissioners of Stamps, or their Officer, Duplicate Forms or Patterns of the Wrappers (commonly called Jews) which such Maker may be desirous to use for enclosing the Packs of playing Cards intended to be made by him, with his Name and such other particular Word or Thing printed thereon as the said Commissioners shall direct and approve, which Approval shall be testified by the Signatures of Two or more of the said Commissioners indorsed on such Duplicate Forms of Wrappers, one of which, when so endorsed, shall from Time to Time be and remain with the said Commissioners or their Officer, and the other, when so endorsed, shall remain with the Maker whose Wrapper it may be: Provided always, that there shall be such separate distinguishing Mark or Device upon each of the respective Wrappers made to enclose Cards intended for Use in the United Kingdom or in the *Isle of Man*, or intended for Exportation, as the said Commissioners shall think proper to direct and appoint; and if any Maker of Cards shall use, or cause or permit to be used, in any Manner whatever, any Wrapper or Jew, with any Device, Mark, Letter, or Figure thereon, for enclosing Cards, without the Approbation of the said Commissioners first had and obtained as aforesaid, such Maker shall forfeit for every such Wrapper or Jew so used, or permitted to be used, the Sum of Twenty Pounds.

Wrappers to have distinguishing Marks upon them.

Penalty for using Wrappers not approved, 20*l.*

Card Makers to enclose Cards in Wrappers when completed, and Officer of Stamps to label the same.

X. And be it further enacted, That every licensed Maker of playing Cards shall, on the Completion of each and every Pack of Cards made by him fit for Sale or Use in the United Kingdom, enclose the same in a Wrapper or Jew, the Device of which shall have been approved of by the said Commissioners of Stamps in the Manner directed by this Act, and shall fasten or tie such Wrapper with Thread, and give Notice thereof to the said Commissioners; and the said Commissioners shall thereupon direct their Officer to attend at the House or Place where such Cards shall have been made; and such Officer shall affix to each Pack of Cards, enclosed and fastened as aforesaid, a Label, in such Manner, and with such Mark or Device thereon, as the said Commissioners shall direct.

Cards not to be removed, without Consent, till Duties are paid or secured, upon pain of forfeiting Treble Value.

XI. And be it further enacted, That no playing Cards made or begun to be made, or in any Stage of making, shall be removed from the House or Place where the same shall have been so made or begun to be made or wrought, without the Consent in Writing of the Commissioners of Stamps, or any Two of them, first had and obtained, until such Cards shall have been completed in Packs, and fastened or tied in Wrappers, and the Labels affixed, and the Duties paid or secured in the Manner directed by this Act; and if the Maker of any such Cards, or any other Person, shall remove or attempt to remove, or shall cause or permit to be removed, or shall

assist in the removing, without such Consent as aforesaid, any such Cards so made or begun to be made, or in any Stage of making, not being completed in Packs, and fastened or tied, and duly labelled, and the Duties paid or secured, all such Cards shall be forfeited, and may be seized, and such Maker or other Person so offending shall forfeit Treble the Value thereof; and any Materials whatsoever begun or intended to be wrought for or towards the making of playing Cards shall not be removed from the Place wherein such Materials shall have been begun to be wrought, without such Consent as aforesaid, until the same shall have been completely made or wrought up into perfect playing Cards, nor until the Duties payable by Law for the Cards intended to be made, or which could be made therewith, shall be paid or secured, upon pain that all such Materials shall be forfeited and may be seized; and any Person who shall remove or attempt to remove, or shall cause or permit to be removed, or shall assist in the removing, any such Materials, without such Consent as aforesaid, contrary to the true Intent and Meaning of this Act, shall forfeit Double the Value thereof; and the Amount of such Treble and Double Values respectively shall be a Debt to His Majesty, His Heirs and Successors, and shall be recoverable accordingly, with full Costs of Suit.

Materials not to be removed on pain of forfeiting Double Value, with Costs.

XII. And be it further enacted, That every Maker of Dice shall, on the Completion of each and every Pair of Dice made by him fit for Sale, or for Use or Play, in the United Kingdom, bring the same to the Head Office of Stamps in *London* or *Dublin* respectively, for the Purpose of being stamped or marked with the Stamp or Mark provided to denote the Duties payable on Dice; and it shall be lawful for the said Commissioners of Stamps, and they are hereby required, to cause each and every such Pair of Dice to be wrapped and enclosed, after the same shall have been duly stamped or marked, in a Paper Wrapper, marked with any Device or Mark provided for that Purpose, and fastened with a Thread or Seal, as the said Commissioners shall direct; and that before or at the Time of the Delivery of any Dice so stamped or marked and wrapped and fastened as aforesaid, by any Officer of Stamps, to the Maker thereof, or to any Person on his Behalf, such Officer of Stamps shall sign his Name on the Outside of such Wrapper enclosing such Dice; and it shall also be lawful for the said Commissioners, in every Case where the same shall be required by the Maker of any such Dice, to provide any additional Stamp or Mark, containing the Name of such Maker, or any other Mark to distinguish the Maker of such Dice, as such Commissioners may think fit.

Dice to be brought to the Stamp Office and stamped.

Commissioners to enclose Dice in Wrappers, and mark them.

Names of Makers may be marked if required.

XIII. And be it further enacted, That every Maker of playing Cards or Dice shall, on the first Day, which shall not be a *Sunday* or Holiday, of the Calendar Month next following the Date of his Licence, make and deliver to the said Commissioners of Stamps, or their proper Officer in that Behalf, a true and particular Account in Writing of each and every Pack of playing Cards, and of each and every Pair of Dice, made by him, or for his Use or on his Account, since the Date of his Licence; and shall also, on the first Day, which shall not be a *Sunday* or Holiday, of every succeeding Calendar Month,

Makers of Cards and Dice to deliver Accounts monthly.

Month, make a similar Account of every Pack of playing Cards and Pair of Dice made by him, or for his Use or Account, during the Calendar Month next preceding; and every such Account by any such Maker in *London*, *Westminster*, or *Southwark*, shall be delivered at the Stamp Office in *London*; and every such Account by any such Maker in *Dublin* shall be delivered and made at the Stamp Office in *Dublin*, to and with such Officer as shall be appointed in that Behalf by the said Commissioners; and every such Account by any such Maker in *Cork* shall be delivered to and with the Distributor of Stamps of the District; and every such Maker shall, at the Time of making and delivering such Account, verify the same by Affidavit or Affirmation in the following Form:

Accounts to be verified on Oath.

'I *A.B.* do swear, [*or if a Quaker*, do solemnly affirm,] That the Number of [Packs of playing Cards or Pair of Dice, *as the Case may be*,] in this Account mentioned, is the full Amount of the Quantity of [printed, spotted, and playing Cards or Dice, *as the Case may be*,] made by me, or for my Use or upon my Account, from the Day of to the Day of except Packs of Cards made by me for Exportation, and Packs made by me for Use in the *Isle of Man*.'

Which Oath or Affirmation the said Commissioners, or any One or more of them, or any Officer deputed by them for that Purpose, is hereby authorized and required to administer; and every such Maker of Cards or Dice shall, within Ten Days after the Delivery of such Account, pay to the Officer appointed by the said Commissioners to receive the same the whole of the Duties which shall appear by such Account to be due and owing to His Majesty; and if any such Maker of Cards or Dice shall neglect or omit or refuse to make and deliver such Account, or to verify the same as aforesaid, or to pay the Duties due and owing from him, at the Times and in the Manner appointed by this Act, every such Maker of Cards or Dice respectively shall forfeit and pay for every such Default the Sum of Twenty Pounds, together with Double the Amount of Duties then due and owing from such Maker.

Duties to be paid within Ten Days after the Delivery of Account.

Penalty for Neglect.

XIV. And be it further enacted, That separate and distinct Accounts shall be kept by the proper Officer of Stamps with every Maker of playing Cards, of the Cards made by him for Sale or Use in the United Kingdom, of those made for Exportation, and of those made for Use in the *Isle of Man*; and the Charges in the said several Accounts shall be made out against such Maker from the Number of the several Aces of Spades which shall have been delivered to him; and every such Maker shall on the first Day of every Calendar Month, which shall not be a *Sunday* or Holiday, attend at the Office of such Officer, and shall adjust, settle, and sign such Accounts; and in case any Difference shall arise in settling such Accounts, then such Maker shall, within One Week next after, apply to the said Commissioners or their proper Officer of Stamps to settle such Account, and the Determination of such Commissioners or their proper Officer shall be final; and if any such Maker shall neglect or refuse to apply to the said Commissioners or their proper Officer as aforesaid, then such

Separate Accounts to be kept with Card Makers, and settled every Month.

Differences arising thereupon to be decided by the Commissioners.

such Accounts, whether signed by such Maker or not, shall be deemed conclusive, and admitted in Evidence against him.

Officer may inspect Stock of Cards, and charge One Shilling for every Ace of Spades not accounted for.

XV. And be it further enacted, That any Officer to be appointed by the Commissioners of Stamps shall and may from Time to Time inspect the Stock of Cards belonging to any licensed Maker of playing Cards; and if upon any such Inspection there shall appear to be any Decrease or Deficiency of Aces of Spades, not duly accounted for, such Maker shall be charged with, and shall pay to the said Commissioners, or to their proper Officer, the Sum of One Shilling for every Ace of Spades deficient, whether the same shall have been delivered for Cards intended to be used in the United Kingdom, or to be used in the *Isle of Man*, or for Cards made for Exportation; and if any licensed Maker of playing Cards, or any Person in his Employ, shall refuse to allow the proper Officer of Stamps to inspect the Stock of such Maker, every such Maker shall be charged with, and shall pay to the said Commissioners, or to their proper Officer, the Sum of One Shilling for every Ace of Spades which shall appear by the Accounts kept by the proper Officer to have been delivered to such Maker, whether the same shall have been delivered for Cards intended to be used in the United Kingdom or the *Isle of Man*, or for Cards made for Exportation; and the Amount of such Deficiency, at the Rate aforesaid, in any of the Cases aforesaid, shall be and is hereby declared to be a Debt to His Majesty, His Heirs and Successors, and shall be recovered accordingly, with full Costs of Suit.

Penalty for Concealment or false Account.

XVI. And be it further enacted, That every Maker of playing Cards or Dice who shall endeavour to defraud His Majesty, His Heirs or Successors, or to evade any of the Duties by this Act imposed, by any Concealment or false Account, shall for every such Offence forfeit the Sum of Twenty Pounds, over and above all other Payments and Penalties required by this Act.

Allowance to be made for Cards remaining on hand at Commencement of this Act.

XVII. And be it further enacted, That it shall be lawful for any Maker of playing Cards in the United Kingdom to produce to the Commissioners of Stamps, or to their Officer, any Number of Packs of Cards, enclosed in Wrappers and Labels, on which the full Duties granted by the several Acts repealed by this Act, or any of them, shall have been paid before the Commencement of this Act; and all such Cards shall be so produced on a Day to be fixed by such Commissioners, within Three Calendar Months next after the Commencement of this Act; and the said Commissioners are hereby required to send Notice in Writing, signed by One of their Officers, to every Maker of playing Cards in the United Kingdom, stating the Day, Time, and Place, when and where such Cards are to be produced and inspected; and after such Cards shall have been examined by the Officer appointed for that Purpose, the said Commissioners shall direct to be made to every such Maker the following Allowances, under such Regulations and in such Manner as the said Commissioners shall direct; that is to say, the Sum of Two Shillings and Sixpence for every Pack of playing Cards made by such Maker fit for Sale or Use in *Great Britain*, containing a Duty Ace of Spades, with a Wrapper and Label, all duly stamped according to the Laws in force in *Great Britain*

before the Commencement of this Act; and the Sum of Two Shillings for every Pack of Cards made by such Maker in *Ireland*, containing a Duty Ace of Spades, with a Wrapper and Label, all duly stamped according to the Laws in force in *Ireland* before the Commencement of this Act: Provided always, that every such Ace of Spades, Wrapper, and Label shall be delivered up to the said Commissioners or their Officer to be cancelled, and that no Allowance shall be made in respect of any Pack of Cards, the Thread, Wrapper, or Label whereof shall appear to have been broken.

Officers of Stamps may enter and search Houses, &c. where Cards or Dice are made.

XVIII. And be it further enacted, That it shall and may be lawful to and for any Officer thereto appointed by the said Commissioners, to enter into any House or Place where any playing Cards or Dice are or shall be made or sold, or exposed to Sale or uttered, or shall be suspected to be made or sold, or to be exposed to Sale or uttered, and there to search and see whether any and what Quantity of such Cards or Dice shall be therein, either made or in the Progress of being made, or sold or exposed to Sale, or uttered, and whether any Cards or Dice which may be there found, made or in the Progress of being made, or sold or exposed to Sale, or uttered, be duly stamped, and to take an Account thereof; and if any Person shall refuse Entrance or Liberty of Search for the Purpose aforesaid to such Officer, or shall molest him in such Search, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Penalty on Refusal, 20*l.*

Officers of Stamps, in the Presence of a Constable, and authorized by a Warrant, may break open Doors of Places where Cards or Dice Making is suspected to be illegally carried on.

XIX. And be it further enacted, That whenever there shall be Cause to suspect that any Person shall make or cause to be made any playing Cards or Dice in any House or Place whatsoever in any Part of the United Kingdom, without Licence duly obtained as by this Act required, upon Affidavit being made of such Suspicion by any Person before any Justice of the Peace for the County or Place where such Cards or Dice shall be or shall be suspected to be making or made, it shall and may be lawful for any Officer employed by and acting under the Commissioners of Stamps, in the Day-time, and in the Presence of a Constable or other lawful Officer of the Peace, (who is hereby required to be aiding and assisting therein,) by Warrant from such Justice of the Peace before whom such Affidavit shall be made, to be directed to such Officer of Stamps as aforesaid, which Warrant the said Justice of the Peace is hereby authorized and required to grant, to break open the Door or any Part of such House or Place in which any such Cards or Dice shall so as aforesaid be suspected to be so made or making, and thereupon to enter into such House or Place, and to seize all Cards or Dice which shall be therein found made or begun to be made, and all the Tools, Materials, and Utensils for making such Cards or Dice which shall be there found; and all such Cards, Dice, Tools, Materials, and Utensils shall be seized and carried away, and shall be detained and lodged in any Place appointed for that Purpose by the said Commissioners or their proper Officer, and shall be absolutely forfeited, and shall and may be sold or destroyed by the Direction and at the Discretion of the said Commissioners.

Packs of Cards to contain 52 playing Cards of the Four usual Suits, including an Ace of Spades duly stamped.

XX. And be it further enacted, That no Pack, Parcel, or Quantity of playing Cards, whether made for Sale or Use in the United Kingdom or in the *Isle of Man*, or for Exportation, shall contain more than Fifty-two playing Cards, and that every Pack shall consist of the Four usual Suits, and shall include one Ace of Spades duly stamped, and shall be tied up together in a Pack, in the Manner directed by this Act; and that no Pack or Parcel of playing Cards containing more than Fifty-two such Cards as aforesaid, or not including an Ace of Spades duly stamped, shall be sold or exposed to Sale, or uttered or parted with for Use in Play, in the United Kingdom or in the *Isle of Man*, or exported; and if any Person shall sell or expose to Sale, or shall export or offer to export, any Pack of Cards containing more than Fifty-two Cards, or not containing an Ace of Spades duly stamped, every such Person, being a licensed Maker of Cards, shall forfeit the Sum of Fifty Pounds; and every such Person, not being a licensed Maker of Cards, shall forfeit the Sum of Ten Pounds; and all such Cards shall be forfeited, and may be seized and carried away by any Officer of Stamps, and shall and may be sold or destroyed by the Direction and at the Discretion of the said Commissioners of Stamps.

Penalty on Default.

Penalty on licensed Makers using an Ace of Spades, or Wrappers, or Labels, before used; or selling Cards or Dice not duly stamped.

XXI. And be it further enacted, That if any licensed Maker of playing Cards shall enclose or make up in any Pack of playing Cards, or shall sell or expose to Sale, or part with for Use in Play, or shall buy or have in his Possession or Controul, any Ace of Spades duly stamped, which shall have been at any Time or in any Manner previously used or removed out of the Premises of such Maker, or any other licensed Maker, or used in making up or completing any other Pack or Parcel of Cards, whether with or without the Knowledge of such Maker; or if any licensed Maker of Cards or Dice shall fraudulently enclose any Pack of playing Cards or any Dice in any Wrapper fastened by a Label, and in which any other playing Cards or Dice shall have been previously wrapped up, enclosed, sealed, or fastened, or shall buy or have in his Possession any such Label so previously used as aforesaid, whether with or without his Knowledge; or shall sell, or expose or offer for Sale, any Cards or Dice not stamped, marked, wrapped, tied, and fastened as by this Act is directed; every such licensed Maker of Cards or Dice shall for every such Pack of Cards, Ace of Spades, Die, Label, or Wrapper, forfeit the Sum of Fifty Pounds, together with all such Cards, Dice, Wrappers, and Labels; and such Cards, Dice, Wrappers, and Labels shall and may be seized and carried away by any Officer of Stamps, and shall be sold or destroyed as the Commissioners may direct.

Licensed Makers or Sellers having Cards or Dice in their Possession, not duly stamped, to forfeit the same, and pay a Penalty of 50*l*.

XXII. And be it further enacted, That if any Pack of playing Cards, or any Dice, not duly stamped as by Law required, or the Duties upon which shall not have been paid, being payable, shall be found in the House, Shop, Room, or other Place of any licensed Maker of Cards or Dice, or of any other Persons who shall sell or expose to Sale Cards or Dice, any and every such Pack of Cards and Pair of Dice shall be forfeited, and may be seized and carried away by any Officer of Stamps, or by any other Person duly authorized for that Purpose under Hand and Seal by the said Commissioners of Stamps,

or by Warrant from any Justice of the Peace, and any Justice of the Peace within his Jurisdiction is hereby authorized and required to grant such Warrant; and every such licensed Maker of Cards or Dice, or other Person, in whose House, Shop, Room, or other Place such Cards or Dice shall be found, shall forfeit the Sum of Five Pounds for each and every Pack of playing Cards, and for each and every Pair of Dice, not duly stamped as aforesaid, so found in the Possession or in or upon the Premises of such Person as aforesaid; and if any Person, not being a licensed Maker or Seller of Cards or Dice, shall have in his Possession or upon his Premises in any Part of the United Kingdom, or shall use or permit to be used therein, any Pack of Cards, or any Dice, not duly stamped for Sale or Use in the United Kingdom, as is directed by this Act, every such Person shall forfeit the Sum of Five Pounds for each and every Pack of playing Cards, and for each and every Pair of Dice, not duly stamped as aforesaid, so being in his Possession or upon his Premises, or used or permitted to be used therein.

Where an Ace of Spades is spoiled, the Maker to be allowed Credit for the same on making Oath of the Fact.

XXIII. And be it further enacted, That in case any Ace of Spades or any Number of Aces of Spades, which shall have been delivered to and charged on the Account of any licensed Maker of playing Cards, shall be damaged, defaced, or spoiled in making the same, so as to be rendered unfit for Use, then, on Oath made thereof by such Maker before any One of the said Commissioners of Stamps, or before their proper Officer, and which Oath such Commissioner or Officer is hereby empowered to administer, and upon the Delivery up to such Commissioner or Officer of every such Ace of Spades so damaged, defaced, or spoiled, such Maker shall be allowed Credit in his Accounts for every such Ace so damaged, defaced, or spoiled, and delivered up as aforesaid.

No Cards deemed waste unless a Corner be cut off.

XXIV. And be it further enacted, That no playing Cards shall be sold as waste Cards, unless a Corner of every such Card shall be cut off at least Half an Inch in Depth, nor unless the same shall be sold or exposed to Sale in Parcels, without being enclosed in any Wrapper or Paper or other Cover; and if any licensed Maker of Cards shall sell or expose to Sale as waste Cards any Cards enclosed in any Wrapper, Paper, or Cover, or which shall not be cut in manner aforesaid, such Maker of Cards shall be liable to the Penalties, and shall incur all the Forfeitures, inflicted for selling or exposing to Sale unstamped playing Cards; and if any Person, not being a licensed Maker of Cards, shall sell or expose to Sale any waste Cards, or any Cards as waste Cards not being cut as aforesaid, such Person shall forfeit for every such Offence the Sum of Twenty Pounds.

Persons not being licensed Cardmakers may sell Second Hand Cards if enclosed in a printed Wrapper denoting them as such.

XXV. Provided always, and be it enacted, That it shall and may be lawful for any Person, not being a licensed Maker of playing Cards, to sell or expose to Sale any Pack of playing Cards, notwithstanding that the same may have been previously sold, and opened, used, or played with, if every such Pack shall be sold without the Wrapper or Jew of any licensed Maker, and shall contain not more than Fifty-two Cards, including an Ace of Spades duly stamped for Use within the United Kingdom, and shall be enclosed in a Paper or Wrapper,

with the Words "Second Hand Cards" printed or written in distinct and legible Characters on the Outside thereof; and if any Person, not being a licensed Maker of Cards, shall sell or expose to Sale in any Part of the United Kingdom any playing Cards which shall have been previously sold and opened, used or played with, not being in such Packs as aforesaid, or not including in such Pack an Ace of Spades duly stamped for Sale or Use in the United Kingdom, or any Pack not being enclosed in a Paper or Wrapper with the Words "Second Hand Cards" printed or written thereon in distinct and legible Characters on the Outside thereof, or if any such Pack shall be sold with a Wrapper or Jew of any licensed Maker, every Person so offending in any of the Cases aforesaid shall forfeit for every such Offence the Sum of Twenty Pounds.

Pieces of Ivory used in any Game, with any Mark to denote any Chance, shall be deemed Dice, and chargeable as such.

XXVI. And be it further enacted, That all Pieces of Ivory, Bone, or other Matter, made or used for any Game or Play, with any Letters, Figures, Spots, or other Marks thereupon, to denote any Chance or Chances, shall be construed, deemed, and adjudged, and are hereby declared to be Dice; and if more than Six Chances shall be signified on any One of such Pieces of Ivory, Bone, or other Matter, then such One Piece shall be chargeable with the full Duty payable for a Pair of Dice; and if more than the Number of Chances usually signified in or by a Pair of Dice shall be signified on any One such Piece of Ivory, Bone, or other Matter, then such One Piece shall be and is hereby charged with a further Duty, in proportion to the Number of Chances exceeding those signified in or by One Pair of Dice.

Penalty on Persons filing, squaring, or new spotting Dice, after being stamped, or on having such in their Possession.

XXVII. And be it further enacted, That if any Person shall file or square or new spot any Die, or shall cause or procure any Die to be filed, squared, or new spotted, after such Die has been stamped as by Law required, or if any Die shall be found in the Possession of any Person, filed, squared, or new spotted, after such Die shall have been so stamped as aforesaid, every Person having filed, squared, or new spotted any such Die, or having caused any such Die to be filed, squared, or new spotted, and every Person in whose Possession any such Die may be found, shall forfeit and pay for every such Die the Sum of Ten Pounds.

Playing Cards or Dice, not being stamped for Home Use, may be exported under the Regulations herein mentioned.

XXVIII. And whereas it is expedient to permit the Exportation of playing Cards and Dice, without the same being stamped for Use in the United Kingdom, and without having paid the Duties imposed by this Act, and that Regulations should be made with respect to such Exportation; be it therefore enacted, That playing Cards or Dice, not being stamped for Use in the United Kingdom, and not having paid the Duties imposed by this Act, may be exported under the Conditions and Regulations herein-after mentioned and set forth; that is to say, before such playing Cards or Dice, not having been stamped for Use in the United Kingdom, and not having paid the Duties imposed by this Act, shall be removed from the licensed House or Place of any Maker thereof, for the Purpose of being exported from the United Kingdom to any Parts beyond the Seas, or to the *Isle of Man*, Three Days Notice in Writing shall be given

to the proper Officer at the Head Office of Stamps in *London* or *Dublin* respectively, or at the Office of the Distributor of Stamps at *Cork* (so long as it shall be lawful to make Cards at *Cork*), by the licensed Maker thereof, of the Quantity intended to be exported, the Port or Place in the United Kingdom from whence the same are intended to be exported, the Name of the Ship or Vessel, and of the Master thereof, in which the same are intended to be exported, and the Port or Place and Country to which the same are intended to be carried and conveyed; and such Maker shall within such Space of Three Days enter into a Bond, with sufficient Surety, to be approved by the Commissioners of Stamps or their Officer, to His Majesty, His Heirs or Successors, in a penal Sum of Treble the Amount of all the Duties which would be payable on such Cards or Dice respectively if the same had been made or intended for Use or Sale in the United Kingdom, conditioned to export such Cards or Dice, in the Ship or Vessel to be named in such Bond, to some Port or Place beyond the Seas, to be mentioned in such Bond, within a Time to be limited in such Bond, and to land the same (the Dangers of the Seas excepted) in such Port or Place, and not to lade or put any such Cards or Dice on board any other Ship or Vessel, either in any Port or Place in the United Kingdom, or elsewhere, or at open Sea, and that such Cards or Dice, or any Part thereof, shall not be relanded in any Part of the United Kingdom, and also conditioned to produce to the said Commissioners, within the respective Times herein-after mentioned, a Certificate that such Cards or Dice have been duly landed at such Port or Place; and after the Expiration of such Three Days mentioned in such Notice, a Certificate under the Hand of some Officer of Stamps shall be given, expressing the several Matters required in such Notice, and also certifying that such Bond has been given according to the Provisions of this Act for the Exportation of any such Cards or Dice, and shall be delivered to the proper Officer of the Customs at such Port or Place in the United Kingdom from which such Cards or Dice are intended to be exported, and such Certificate shall be given and received without Fee or Reward; and after such Notice shall have been given, and such Bond as herein-before mentioned shall have been duly made and executed, and such Certificate granted (but not otherwise), it shall and may be lawful for any licensed Maker to remove such playing Cards or Dice intended for Exportation, when completely finished for Use, from the House or Place where the same shall be made, without Payment of any Duties for the same; provided that every Pack of such playing Cards shall contain an Ace of Spades duly marked or stamped with the proper Mark or Stamp appointed to be used for Cards to be exported; and provided also, that such Cards or Dice shall, before being so removed, be respectively enclosed in Packs or Pairs in such Wrappers or Jews as the Commissioners of Stamps shall approve, and shall be tied and fastened by a Label or Thread or Seal marked with the proper Mark, Stamp, or Device appointed to be used for Cards or Dice to be exported; and all such Cards or Dice so entered for Exportation shall be laden or put on board the Ship or Vessel mentioned in such Bond as aforesaid in the Presence of the proper Officer of Customs.

XXIX. And be it further enacted, That such Bond herein-before directed to be given with relation to Cards and Dice exported shall be discharged upon producing to the said Commissioners of Stamps, within the respective Times herein-after limited, a Certificate that the Cards or Dice in such Bond mentioned were duly landed in the proper Port or Place beyond the Seas; that is to say, within Six Months from the Date of such Bond, in the Case of Cards or Dice entered to be landed in any Port or Place in the *Isle of Man*; and within Twelve Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any other Port or Place in *Europe*; and within Eighteen Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any of His Majesty's Colonies or Plantations in *America* or *Africa*, or in any of the Territories of the United States of *America*; and within Twenty-four Months from the Date of such Bond, in the Case of Cards or Dice entered for or landed in any Port or Place at or beyond the *Cape of Good Hope*; and every such Certificate for such Cards or Dice as aforesaid, which shall be landed at any Port or Place where any Officer of His Majesty's Customs shall be resident, shall be signed by the proper Officer of His Majesty's Customs there; and if no Officer of His Majesty's Customs shall be resident there, then by the *British* Consul, or other Person acting as such there; and if no Officer of Customs or *British* Consul, or other Person acting as such, shall be there resident, then such Certificate shall be under the Seal of the Chief Magistrate in such Port or Place, or under the Hands and Seals of Two known *British* Merchants, then being at such Port or Place: Provided always, that if in any Case it shall be proved that such Cards or Dice so exported were taken by Enemies, or were lost in the Seas or by Fire, the Examination and Proof whereof shall be left to the Judgment of the Commissioners of Stamps, then and in such Case it shall be lawful for the said Commissioners and they are hereby authorized to discharge such Bond.

How Bonds shall be discharged.

XXX. And be it further enacted, That all playing Cards and Dice which shall be exported contrary to the Directions of this Act, or which, after Entry thereof for Exportation, shall be landed at or found in any Place in the United Kingdom, or which shall be landed at or found in the *Isle of Man* after Entry thereof for Exportation elsewhere than to the said Isle (except for the Purpose of exporting the same under the Regulations of this Act), shall be forfeited, and shall and may be seized by any Officer of Customs or Excise, and may be proceeded upon to Condemnation, according to any Laws of Customs or Excise then in force, or may be seized and carried away by any Officer of Stamps, or Person duly authorized by the Commissioners of Stamps, and shall and may be lodged and secured in any Place appointed by the said Commissioners for that Purpose, and shall be sold or destroyed as the Commissioners shall direct; and if any Person shall sell or expose to Sale, or shall offer for Use, in any Part of the United Kindom, or shall knowingly have in his Possession or upon his Premises, or shall use or permit to be used in any Place in the United Kingdom, any playing Cards marked, stamped, and distinguished as Cards for Use in the *Isle of Man*, or for Exportation, such Cards shall be forfeited, and may be seized and carried away, and

Cards or Dice exported contrary to Law, or re-landed after Entry for Export, may be seized, &c.

Persons using, &c. such Cards to forfeit 20*l.*

and lodged and secured as above in this Act provided; and every Person so offending, for every Pack of Cards so sold or exposed to Sale, or offered for Use, or used or permitted to be used, or in the Possession of such Persons, contrary to this Act, shall forfeit the Sum of Twenty Pounds.

Penalty on fraudulently relanding Cards, after Entry and Shipment for Exportation, elsewhere than in the Port of Consignment.

XXXI. And be it further enacted, That if any Person shall reland, or shall cause or procure to be relanded, or shall assist in the relanding, in any Part of the United Kingdom, any Parcel of Cards or Dice after the same shall have been entered and shipped for Exportation from any Part of the United Kingdom, or shall land such Cards or Dice, or cause the same to be landed, in any Port or Place other than the Port or Place to which such Cards or Dice shall be consigned and named in the Certificate to be delivered by the Officer of Stamps to the Officer of Customs in pursuance of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds.

No Cards to be exported into or used in the Isle of Man, unless stamped for such Island, or for Use in the United Kingdom.

XXXII. And be it further enacted, That it shall not be lawful for any Person to put on board any Ship or Vessel for Exportation to the *Isle of Man*, or to import into or to use in that Island, any playing Cards, unless in Packs each containing an Ace of Spades stamped or marked with the Stamp or Device appointed by the Commissioners of Stamps for Cards intended for Use in the *Isle of Man*, in the Manner by this Act directed, or an Ace of Spades duly stamped or marked for Sale or Use in the United Kingdom; and all playing Cards not being in Packs each containing an Ace of Spades duly stamped and marked for Use in the *Isle of Man* or in the United Kingdom, which shall be put on board, or shall be brought to any Wharf or Place to be put on board, any Ship or Vessel, for Exportation to the *Isle of Man*, or which shall be imported into or found in the *Isle of Man*, shall be forfeited; and all playing Cards which, having been duly put on board, or brought to any Wharf to be put on board, any Ship or Vessel, for Exportation to the *Isle of Man*, or having been duly imported into or found in the *Isle of Man*, shall be relanded or found in any other Part of the United Kingdom, except for the Purpose of shipping the same under the Regulations of this Act, shall also be forfeited; and all Cards so forfeited shall and may be seized by any Officer of Customs or Excise, and shall and may be proceeded upon to Condemnation, according to any Laws of Customs or Excise in force at the Time, or may be seized and carried away by any Officer of Stamps, or Person duly authorized thereto, and lodged and secured in any Place appointed for that Purpose; and every Person who shall sell or expose to Sale, or shall offer for Use, or shall use or permit to be used, in any Part of the *Isle of Man*, or shall knowingly have in his Possession or upon his Premises within the said Island, any playing Cards or Ace of Spades made within the United Kingdom for Exportation, or any Pack of Cards not containing an Ace of Spades stamped or marked for Use in the *Isle of Man* or in the United Kingdom as aforesaid, shall for every such Pack of Cards or Ace of Spades forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered in the same Manner as any Penalty incurred in the said Island under any Act relating to the Revenue of Customs may

Penalty 20*l.*

be

be sued for and recovered under such Act: Provided always, that nothing in this Act contained shall alter or affect any thing respecting the Exportation of playing Cards to the *Isle of Man*, contained in an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for regulating the Trade of the* Isle of Man. 6 G. 4. c. 115.

Foreign Cards without Name of Foreign Maker, or with any British Card-maker's Name thereon, not to be warehoused under 6 G. 4. c. 112. but to be seized and forfeited.

XXXIII. And be it further enacted, That no playing Cards which, having been made out of the United Kingdom, shall be imported into any Part thereof, shall be deposited in any Warehouse pursuant to an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the warehousing of Goods*, unless the Name and Place of Residence of the Foreign Maker of such Cards be printed or marked in distinct and legible Characters on One Card of every Pack of such Cards, and on every Wrapper thereof; and if any One or more of such Cards, or any Wrapper, Jew, Label, or other Paper, Matter, or Thing, enclosing, annexed to, or deposited with any One or more of such Cards, shall be printed or marked in any way with the Name of any Maker of Cards duly licensed within the United Kingdom, such Cards shall not be permitted to be warehoused under the said recited Act, any thing in the said Act to the contrary in anywise notwithstanding; and all such Foreign Cards, Wrappers, Jews, Labels, and other Things on which the Name and Place of Residence of the Foreign Maker thereof shall not be printed or marked in distinct and legible Characters as aforesaid, or on any of which shall be printed or marked the Name of any Maker of Cards duly licensed within the United Kingdom, shall be forfeited, and may be seized by any Officer of Customs or Excise, and proceeded upon to Condemnation, according to any Laws of Customs or Excise then in force.

Commissioners may make Allowances for Aces of Spades when Stamps are altered.

XXXIV. And be it further enacted, That if at any Time the Commissioners of Stamps shall deem it expedient to alter any Stamp, Mark, Plate, Device, or Label directed to be used for the Purposes of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, under such Regulations and in such Manner as they shall think fit, to make an Allowance to every licensed Maker of playing Cards in his Accounts for each and every Ace of Spades which shall have been delivered to any such Maker respectively, and which in consequence of such Alteration shall be returned by him to the said Commissioners to be cancelled; provided that no Allowance shall be made in respect of any Ace of Spades which shall have been placed in any Pack of Cards made up, enclosed, and fastened in manner directed by this Act.

Forgery of Stamps relating to Cards and Dice, or uttering them with counterfeit Stamps, Felony punishable with Death.

XXXV. And be it further enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any Type, Die, Seal, Stamp, Mark, Plate, or Device, or any Part of any Type, Die, Seal, Stamp, Mark, Plate, or Device, which shall be at any Time provided, made, or used by or under the Authority of the Commissioners of Stamps in pursuance of this Act; or shall counterfeit, or shall cause or procure to be counterfeited or resembled, the Impression of any such Type, Die, Seal, Stamp, Mark, Plate,

or Device, or any Part thereof, upon any playing Card or Dice, or upon any Label, Thread, or Paper; or shall forge or counterfeit the Name, Handwriting, or Signature of any sealing Officer, or other Officer of Stamps, to or upon any Wrapper, Paper, or Material in which any Dice shall be actually enclosed; or shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any Mark or Name, or any Part of any Mark or Name, directed to be used by the Commissioners of Stamps in pursuance of this Act, in order to distinguish the Maker of any such Cards or Dice respectively, and printed or marked on or affixed to or making Part of the Wrapper, Label, or Paper in which any playing Cards or Dice shall be actually enclosed, with Intent to defraud His Majesty, His Heirs or Successors, of any of the Duties at any Time by Law payable upon Cards or Dice; or shall utter, or sell or expose to Sale, or part with for Use in Play, any Card, Die, Ace of Spades, Label, Wrapper, or Jew whatsoever, with such counterfeit Seal, Stamp, Mark, Device, Impression, Name, or Signature, knowing the same to be counterfeit; or shall privately or fraudulently use any Seal, Stamp, Mark, Plate, Device, or Label at any Time provided, made, or used by or under the Authority of the Commissioners of Stamps in pursuance of this Act, with Intent to defraud His Majesty, His Heirs and Successors, of any of the Duties at any Time by Law payable upon Cards or Dice; every Person convicted of any such Offence in due Form of Law shall be adjudged a Felon, and shall suffer Death.

Informers of certain Offences relating to Cards and Dice indemnified.

XXXVI. And be it further enacted, That if the Buyer or Seller, or any Person concerned in the buying or selling, or exposing to Sale, or uttering, any Ace of Spades, playing Cards, Dice, Label, or Wrapper, contrary to this Act, or if any Person concerned in the unlawful relanding of any Cards or Dice shipped for Exportation under this Act, or concerned in any other Offence against this Act, shall give Information to the Commissioners of Stamps of any like Offence committed by any other Person concerned in any such Offence, it shall be lawful for the said Commissioners, if they shall think fit, to direct that such Informer shall be admitted to give Evidence against such other Person; and in case of such Direction such Informer shall be admitted to give Evidence, and shall be deemed a competent Witness accordingly, and shall be indemnified against all Penalties previously incurred by such Informer under this Act.

Recovery of Penalties.

XXXVII. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered in manner following; that is to say, if such Penalties or Forfeitures be incurred in *Great Britain*, the same shall and may be sued for and recovered in His Majesty's Court of Exchequer at *Westminster*, or in the Court of Exchequer in *Scotland*, in the same Manner as Penalties incurred under any Act or Acts relating to Stamp Duties may be sued for and recovered in such Courts respectively; and if such Penalties or Forfeitures shall be incurred in *Ireland*, the same shall be sued for and recovered in the same Manner as Penalties incurred or sued for under the herein-before recited Act made in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third,

intituled *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, may be sued for and recovered under such Act: Provided always, that it shall be lawful for the Commissioners of Stamps to mitigate or compound any such Penalty or Forfeiture, or to stay any Proceedings in any such Prosecution commenced by their Direction, on such Terms as the said Commissioners shall judge proper and expedient; and also, at their Discretion, to give all or any Part of any Sum paid by way of Penalty or Compromise to the Person informing them of the Offence in respect of which such Sum shall be paid.

Commissioners may mitigate or compound Penalties.

XXXVIII. And be it enacted, That wherever in this present Act, in describing or referring to any Offence or other Matter or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall be understood and shall be construed and applied to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Interpretation of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect on and from the Fifth Day of *July* in the Year of our Lord One thousand eight hundred and twenty-eight.

Commencement of Act.

XL. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be amended.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XIX.

An Act for applying a Sum of Money out of the Consolidated Fund for the Service of the Year One thousand eight hundred and twenty-eight.

[9th *May* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and twenty-eight, the Sum of Four Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*,

There shall be applied, for the Service of 1828, 4,000,000*l.* out of the Consolidated Fund.

Ireland, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XX.

An Act for prohibiting, during the present Session of Parliament, the Importation of Foreign Wheat into the *Isle of Man*; and for levying a Duty on Meal or Flour made of Foreign Wheat imported from the *Isle of Man* into the United Kingdom.

[13th *May* 1828.]

WHEREAS an Act was passed in the First and Second Years of His Majesty's Reign, intituled *An Act to repeal certain Acts passed in the Thirty-first, Thirty-third, Forty-fourth, and Forty-fifth Years of His late Majesty King* George *the Third, for regulating the Importation and Exportation of Corn, Grain, Meal and Flour, into and from* Great Britain, *and to make further Provisions in lieu thereof;* whereby, among other Things, it was enacted, that whenever the Ports of the United Kingdom should be shut against the Importation of Foreign Corn, Meal or Flour, for Home Consumption, the Ports of the *Isle of Man* should, in like Manner, be shut against the Importation of Foreign Corn, Meal or Flour, for Home Consumption: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to make Provision for ascertaining, from Time to Time, the Average Prices of British Corn,* the said first-mentioned Act was repealed; and other Provision not having been made for preventing the Importation of Corn into the *Isle of Man,* in manner provided by the said Act, large Quantities of Flour made from Foreign Wheat in the said Island have

1 & 2 G. 4. c. 87.

7 & 8 G. 4. c. 58.

have been imported from thence into the United Kingdom without any Restraint; and it is expedient to apply some Remedy to such Evils, until general Provision shall have been made for more effectually regulating the Importation of Foreign Corn, Grain, Meal, and Flour into the United Kingdom: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Importation of Corn into the Isle of Man prohibited until the End of the present Session.

That from and after the passing of this Act, and until the End of the present Session of Parliament, the Importation of Foreign Wheat into the *Isle of Man* shall be prohibited; and such Prohibition shall be enforced and obeyed in like Manner as if the same were contained in a certain Act passed in the Sixth Year of His Majesty's Reign, for regulating the Trade of the *Isle of Man*.

Duty on Foreign Wheat imported into the United Kingdom from the Isle of Man.

II. And be it further enacted, That from and after the passing of this Act, and until the End of the present Session of Parliament, there shall be paid a Duty of Five Shillings for every Hundred Weight of Meal or Flour made of Foreign Wheat imported into the United Kingdom from the *Isle of Man*; and such Duty shall be raised, levied, collected, recovered, and paid in like Manner as any Duties of Customs are or can be raised, levied, collected, recovered, and paid.

Act may be amended.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed during the present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXI.

An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of *North America*.

[23d *May* 1828.]

WHEREAS it is necessary to make Provision respecting the Carriage of Passengers from the United Kingdom to His Majesty's Possessions on the Continent and Islands of *North America*: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Ship shall sail from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or in the *Isle of Man*, on any Voyage to or for any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, with more Persons on board than in the Proportion of Three Persons for every Four Tons of the Registered Burthen of such Ship, the Master and Crew being included in and forming Part of such prescribed Number; and that no Ship registered as having more than One Deck shall carry any Passengers upon any such Voyage as aforesaid, unless she shall be of the Height of Five Feet and a Half at the least between Decks; and that no Ship registered as having only One Deck shall carry any Passengers upon any such Voyage as aforesaid, unless a Platform shall be laid beneath such Deck

No Ship to sail for North America with more than 3 Persons on board for every 4 Tons of Burthen.

Ships carrying Passengers to have a Height of 5½ Feet between Decks, or between Platform and Deck.

Proviso as to Children.

Deck in such a Manner as to afford a Space of the Height of at least Five Feet and a Half: Provided always, that Two Children, each being under the Age of Fourteen Years, or Three Children, each being under the Age of Seven Years, or One Child, being under the Age of Twelve Months, with the Mother of such Child, shall in all Cases be computed as One Person, for the Purposes herein-before and herein-after mentioned.

Regulating the Quantity of Water and Provisions to be carried by Vessels with Passengers on board.

II. And be it further enacted, That no Ship carrying Passengers on any such Voyage as aforesaid to any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, shall clear out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or in the *Isle of Man*, unless and until there shall be actually laden and on board such Ship good and wholesome Provisions for the Use and Consumption of the said Passengers, to the Amount or in the Proportion following; (that is to say,) a Supply of pure Water to the Amount of Fifty Gallons for every Person on board such Ship, the Master and Crew included, such Water being carried in sweet Casks; and a Supply of Bread, Biscuit, Oatmeal, or Bread Stuffs, to the Amount of Fifty Pounds Weight at the least for every Passenger on board such Ship.

Ships having the whole Number of Passengers on board not to carry Stores between Decks.

III. And be it further enacted, That no Ship proceeding on any such Voyage as aforesaid, and having on board the whole Number of Passengers allowed by this Act, shall carry any Part of her Cargo, Provisions, Water, or Sea Stores between Decks; but that it shall be lawful for any such Ship, not having on board the whole Number of Passengers so allowed, to carry between Decks, in respect of every Passenger wanting of that Number, any Goods, Provisions, Water, or Sea Stores, not occupying more than Three Cubical Feet in Space.

Master to deliver List of Passengers to Collector of Customs, who shall give a Counterpart to the Master, to be exhibited to the Chief Officer of Customs at the Port of Landing.

IV. And be it further enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall, before clearing out his said Ship for such Voyage from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or in the *Isle of Man*, deliver to the Collector or other principal Officer of His Majesty's Customs at such Port or Place a List in Writing, specifying as accurately as may be the Names, Ages, and Professions or Occupations of all and every the Passengers on board such Ship, with the Name of the Port or Place at which he the said Master hath contracted to land each of the said Passengers; and such Collector or other Chief Officer of Customs shall thereupon deliver to the said Master a Counterpart of such List, signed by him the said Collector or other Chief Officer as aforesaid; and the said Master shall exhibit the said Counterpart of his said List to the Collector or other Chief Officer of His Majesty's Customs at each and every Port or Place in His Majesty's Possessions at which the said Passengers, or any of them, shall be landed, and shall deposit the same with such Collector or Chief Officer of Customs at his final Port of Discharge in the said Possessions.

V. And, for the Prevention of Frauds which might be practised upon Persons emigrating from the United Kingdom to any of His Majesty's Possessions Abroad, be it further enacted, That if the Master of any Ship carrying any Passengers on any such Voyage as aforesaid shall, without their, his, or her previous Consent, land or put on shore, or cause to be landed or put on shore, any Passenger or Passengers at any Port or Place other than the Port or Place at which he may have contracted to land or put such Passenger or Passengers on shore, he the said Master shall incur and become liable to a Penalty of Twenty Pounds for each and every Passenger so landed or put on shore, to be recovered in a summary Way before any Two Justices of the Peace in and for any Province, District, County, or Place in any of His Majesty's Possessions on the Continent or Islands of *North America*, on the Complaint of any such Person or Persons, and to be levied, by Warrants under the Hands and Seals of such Justices, upon the Goods of any such Offender.

Penalty on Master landing Passengers improperly.

VI. And be it further enacted, That if any Ship carrying Passengers on any such Voyage as aforesaid from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or in the *Isle of Man*, to or for any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, shall carry any Number of Passengers exceeding by more than One Person in Fifty the Proportion authorized and allowed by this present Act; or if the Cargo, Provisions, Water, or Sea Stores of any such Ship, or any Part thereof, shall be carried between Decks, contrary to the Provisions herein-before in that Behalf made; or if any Ship shall clear out or put to Sea, not having on board such Water and good and wholesome Provisions as aforesaid, for the Use and Consumption of the said Passengers, to the Amount or in the Proportion herein-before required; or if any such Ship shall be cleared out from any Port or Place in the United Kingdom before such Lists of Passengers as herein-before mentioned have been delivered, in manner and form aforesaid, to such Officer as aforesaid, or if any such List shall be wilfully false; the Master of the said Ship shall be deemed guilty of a Misdemeanor, and shall and may be prosecuted, tried, and convicted for the same, either in the County in the United Kingdom from which the Ship shall have sailed on such Voyage, or in any other County of the United Kingdom, or in either of the said Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or the *Isle of Man*, from which the Ship shall have sailed on such Voyage, or in any of His Majesty's Possessions Abroad to which such Ship shall have sailed on such Voyage: Provided always, that nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any such Ship as aforesaid, or to any other Person, in respect of any Breach of any Contract made by or on the Behalf of any such Passenger or other Person with the Master or Owner thereof.

Masters of Vessels carrying more Passengers than allowed by Act, or any Cargo, Provisions, &c. between Decks;

or not having Water and Provisions as hereby required;

or not delivering correct Lists of Passengers;

guilty of Misdemeanor.

Nothing herein to abridge the Right of Action of Passengers.

VII. And for the more effectually securing the due Observance of the aforesaid Rules, and the Payment of the Penalties aforesaid, be it further enacted, That before any Ship carrying Passengers shall clear out for any such Voyage as aforesaid from any Port or Place in the

Master of Vessel to enter into Bond for the due Perform-

ance of the Regulations prescribed by this Act.

the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney*, or *Sark*, or in the *Isle of Man*, to or for any Port or Place in His Majesty's Possession on the Continent or Islands of *North America*, the Master of the said Ship shall enter into a Bond to His Majesty, His Heirs and Successors, with one good and sufficient Surety, to be approved by the Collector or other Chief Officer of Customs at such Port, in the Sum of One thousand Pounds, the Condition of which Bond shall be, that the said Ship is sea-worthy, and that all and every the Rules and Regulations made and prescribed by this Act for the Carriage of Passengers shall be well and truly performed before and during such intended Voyage, and that all Penalties, Fines, and Forfeitures which the Master of such Ship may be sentenced or adjudged to pay for or in respect of the Breach or Non-performance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond as aforesaid shall be without Stamps; and that no such

Limitation of Actions.

Bond shall be put in Suit; and that no Prosecution, Suit, Action, or Information shall be brought under or by virtue of this Act, or upon or by reason of the Breach of any of the Provisions thereof, in any of His Majesty's Possessions Abroad, after the Expiration of Twelve Calendar Months next succeeding the Commencement of any such Voyage as aforesaid, nor in the United Kingdom or any of the Islands before mentioned, after the Expiration of Twelve Calendar Months next after the Return of the Master to the Port or Place from which he sailed on such Voyage.

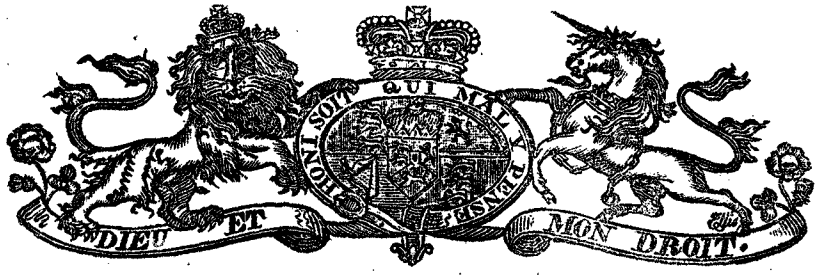
Not to extend to Post Office Ships.

VIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship in the Service of His Majesty's Postmaster General.

Nor to the Bahama Islands nor the West Indies.

IX. And be it further enacted and declared, That the *Bahama* Islands, and His Majesty's Possessions in the *West Indies*, are not and shall not be deemed or taken to be comprised within the Provisions aforesaid, or any of them.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. XXII.

An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament.

[23d *May* 1828.]

WHEREAS great Benefit has been found to arise from the Regulations of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament:* And whereas several Acts have subsequently been passed to amend and extend the same: And whereas it is expedient to consolidate, and in some respects to amend and simplify, the Laws relating thereto; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament;* also an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act to explain and amend an Act made in the last Session of Parliament, intituled 'An Act to regulate 'the Trials of controverted Elections or Returns of Members to serve 'in Parliament';* also an Act passed in the Fourteenth Year of the Reign of His late Majesty, intituled *An Act for making perpetual Two Acts passed in the Tenth and Eleventh Years of the Reign of His present Majesty, for regulating the Trials of controverted Elections*

10 G. 3. c. 16.

Repeal of 10 G. 3. c. 16.

11 G. 3. c. 42.

14 G. 3. c. 15.

Elections or Returns of Members to serve in Parliament; also so much of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty, intituled *An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within* England *and* Wales, *and for* Berwick-upon-Tweed, *and also for removing Difficulties which may arise for Want of Returns being made of Members to serve in Parliament,* as relates to the Appointment of a Select Committee to take into Consideration the Petition of any Person claiming to have had a Right to vote, or to have been entitled to have been declared duly elected, where no Return has been made to any Writ issued for the electing of any Member or Members to serve in Parliament, on or before the Day on which such Writ is made returnable, or within Fifty-two Days after the Day on which such Writ bears Date, if such Writ be issued during any Session or Prorogation of Parliament, or where the Return be not according to the Requisition of the Writ, but contains special Matters only concerning the Election; also to the Notices to be given of the Meeting of such Committees, and to the Manner in which the Trials of such Petitions are to be regulated, and the Mode in which Parties entitled to be returned may proceed against any Sheriff or Returning Officer, in case a Select Committee shall have determined that such Sheriff or Returning Officer had wilfully delayed or neglected or refused to make such Return; also an Act passed in the Twenty-eighth Year of the Reign of His late Majesty, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament,* except in so far as the same relates to the Repeal of so much of an Act passed in the Second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament,* as enacts that such Votes shall be deemed legal which have been so declared by the last Determination in the House of Commons, and that such last Determination concerning any County, City, Borough, or Place, shall be final; also an Act passed in the Thirty-second Year of the Reign of His late Majesty, intituled *An Act to extend the Provisions of certain Acts of Parliament made to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament;* also an Act passed in the Thirty-fourth Year of the Reign of His late Majesty, intituled *An Act to explain so much of an Act made in the Twenty-eighth Year of His present Majesty's Reign, intituled 'An Act for the further Regulation of 'the Trials of controverted Elections or Returns of Members to serve in 'Parliament,' as relates to the Time of presenting certain renewed Petitions, and taking the same into Consideration;* also an Act passed in the Thirty-sixth Year of the Reign of His late Majesty, intituled *An Act for the more effectual Execution of several Acts of Parliament, made for the Trials of controverted Elections or Returns of Members to serve in Parliament;* also an Act passed in the Forty-second Year of the Reign of His late Majesty, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto;* also an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to revive and make perpetual,*

Part of 25 G. 3. c. 84.

Part of 28 G. 3. c. 52.

32 G. 3. c. 1.

34 G. 3. c. 83.

36 G. 3. c. 59.

42 G. 3. c. 84.

47 G. 3. c. 1.

petual, and to amend, an Act made in the Forty-second Year of His present Majesty, for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto; also so much of an Act passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to* Ireland, as enacts, that the Order for taking into Consideration any Petition relative to the Trial of any controverted Election or Return in *Ireland* shall not be discharged until the Expiration of Twenty-eight Days after such Petition shall have been presented to the House of Commons, by reason that the Recognizance required by an Act made in the Twenty-eighth Year of His late Majesty's Reign, intituled *An Act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament,* was not received by the Speaker under the Provisions of the said recited Act; also an Act passed in the Fifty-third Year of the Reign of His late Majesty, intituled *An Act for amending and rendering more effectual the Laws for the Trials of controverted Elections and Returns of Members to serve in Parliament;* be hereby repealed.

Part of 47 G. 3. c. 14.

53 G. 3. c. 71.

II. And be it enacted, That whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in Parliament (or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return,) shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, a Day and Hour shall be appointed by the said House for taking the same into Consideration, and Notice thereof in Writing shall be forthwith given by the Speaker to all Parties so petitioning, and to the sitting Members, and to any Parties who may have petitioned to be permitted to defend any such Election or Return, and where no Return has been made, or the special Matter of the Return, or the Conduct of any Returning Officer, is complained of, to the Returning Officer or Officers, accompanied with an Order to the Parties to attend the House at the Time appointed, by themselves, their Counsel or Agent.

Upon Complaint made to the House of Commons of an undue Election or Return, or that no Return has been made, a Time to be fixed for considering thereof, and Notice given.

III. And be it enacted, That the House may alter the Day and Hour so appointed for taking any such Petition into Consideration, and appoint some subsequent Day and Hour for the same, as Occasion shall require, giving to the respective Parties the like Notice of such Alteration, accompanied with an Order to attend on such subsequent Day and Hour as aforesaid; and if within One Hour after the Time fixed in the Manner herein-after directed for calling in the respective Parties, their Counsel or Agents, for the Purpose of proceeding to the Appointment of a Select Committee, the Petitioner or

House may alter the Time, giving the like Notice and Order.

If Petitioners do not attend at the Time required, the Order to be discharged.

or Petitioners, or some one or more of them who shall have signed any such Petition, shall not appear, by himself or themselves, or by his or their Counsel or Agents, the Order for taking such Petition into Consideration shall thereupon be discharged, and such Petition shall not be any further proceeded upon.

No Petition to be proceeded upon, unless subscribed as herein mentioned.

IV. And be it enacted, That no such Petition shall be proceeded upon, unless the same, at the Time it is presented to the House, shall be subscribed by some Person or Persons claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned as duly elected thereat, or alleging himself or themselves to have been a Candidate or Candidates at such Election, or claiming therein to have had a Right to vote at the Election of any Delegate or Commissioner for choosing a Burgess for any District of Burghs in that Part of *Great Britain* called *Scotland* to which the same shall relate.

Recognizances to be entered into by Petitioners, and Sureties, to pay Costs.

V. And be it enacted, That no Proceeding shall be had upon any such Petition, unless the Person or Persons subscribing the same, or some one or more of them, shall, within Fourteen Days after the same shall have been presented to the House, or within such further Time as shall be limited by the House, personally enter into a Recognizance to our Sovereign Lord the King, according to the Form hereunto annexed, in the Sum of One thousand Pounds, with Two sufficient Sureties in the Sum of Five hundred Pounds each, or Four sufficient Sureties in the Sum of Two hundred and fifty Pounds each, for the Payment of all Costs, Expences, and Fees which shall become due to any Witness summoned in behalf of the Person or Persons so subscribing such Petition, or to any Clerk or Officer of the House, upon the Trial of such Petition, or to any Party who shall appear before the House, or any Committee of the House, in opposition to such Petition, in case such Person or Persons shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case such Petition shall be withdrawn by the Permission of the House; or in case such Committee shall report to the House, that such Petition appears to them to be frivolous or vexatious; and if at the Expiration of the said Fourteen Days such Recognizance shall not have been entered into, or shall not have been received by the Speaker of the House of Commons, or the Time for entering into or receiving such Recognizance shall not previously have been enlarged, the Speaker shall report the same to the House, and the Order for taking such Petition into Consideration shall thereupon be discharged, unless upon special Report of the Examiners into the Sufficiency of the Sureties, or upon Matter specially stated and verified upon Oath to the Satisfaction of the House, the House shall see cause, either to enlarge the Time for entering into such Recognizance, or to allow the Names of any such Sureties to be changed; and whenever such Time shall be so enlarged, or Name of any such Surety shall be changed, the Order for taking such Petition into Consideration shall, if necessary, be postponed, so that no such Petition shall be taken into Consideration till after such Recognizance shall have been entered into and received by the Speaker: Provided always,

always, that the Time for entering into such Recognizance shall not be enlarged more than once, or for any Number of Days exceeding Thirty, nor the Name of any proposed Surety be more than once changed.

Names of Sureties to be delivered to the Clerk of the House of Commons.

VI. And be it enacted, That on the Day when any such Petition shall be presented, or on the next Day at furthest, the Petitioner or Petitioners shall deliver or cause to be delivered, in Writing, to the Clerk of the House of Commons, the Names, together with the Additions and usual Places of Residence, of the Persons who are proposed to become such Sureties, which Names shall be entered in a Book to be kept by the said Clerk in his Office, open to the Inspection of all Parties concerned.

Recognizances to be entered into before the Speaker, and the Sufficiency of Sureties to be allowed by him, on the Report of the Persons herein mentioned.

VII. And be it enacted, That the said Recognizances shall be entered into before the Speaker of the House of Commons, who is hereby authorized and empowered to take the same; and the Sufficiency of the Sureties named therein shall be judged of and allowed by the said Speaker, on the Report of Two Persons appointed by him to examine the same, of which Two Persons the Clerk or one of the Clerks Assistant of the House of Commons shall always be one, and one of the following Officers, not being a Member of the said House, shall be the other; (that is to say), Masters of the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the said Persons so appointed are hereby authorized and required to examine the same, and to report their Judgment thereupon, and are also hereby authorized to demand and receive such Fees for such Examination and Report as shall be from Time to Time fixed by any Resolution of the House of Commons: Provided always, that Seven clear Days at the least shall intervene between the Day on which the Names shall have been delivered in and entered in a Book kept in the Office of the Clerk as aforesaid and the Day on which the Sufficiency of the Sureties shall be examined, as herein-before directed.

Seven Days to be allowed before the Sureties are examined.

Parties or Sureties living more than 40 Miles from London may enter into Recognizances before a Justice.

VIII. And be it enacted, That if the Party or Parties who are to enter into such Recognizance, or his or their Sureties, or either of them, shall reside at a greater Distance from *London* than Forty Miles, it shall and may be lawful for such Party or Surety respectively to enter into such Recognizance before any of His Majesty's Justices of the Peace; and His Majesty's Justices of the Peace, or any of them, is and are hereby authorized and empowered to take the same; and such Recognizance, being duly certified under the Hand of such Justice, and being transmitted to the Speaker of the House of Commons, shall have the same Force and Effect as if the same had been entered into before the said Speaker: Provided also, that it shall and may be lawful for the Persons to whom it is referred by the Speaker to examine the Sufficiency of the Sureties, to receive in Evidence in their said Examination any Affidavits relating thereto which shall be sworn before any such Persons, or any Master of the High Court of Chancery, or before any of His Majesty's Justices of the Peace, who are hereby each of them respectively authorized to administer such Oath, and to certify such Affidavit under his Hand.

Evidence as to Sufficiency of Sureties.

In what Cases Petitions may be withdrawn.

IX. And be it enacted, That the House of Commons shall not permit any such Petition to be withdrawn, except so far as the same may relate to the Election or Return of any Member who shall, since the same shall have been presented, have vacated his Seat by Death or in any other Manner, or in consequence of some Matter which shall have arisen since the same was presented, and which shall be specially stated and verified upon Oath to the Satisfaction of the House.

Voters, upon Petition, may become a Party to oppose or defend the Return.

X. And be it enacted, That it shall and may be lawful, at any Time within Fourteen Days after the Day on which any such Petition shall have been presented, for any Person or Persons claiming to have had a Right to vote at the Election, or at the Election of Delegates or Commissioners for making such Election, to which the same shall relate, to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Petition, and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member, and shall be considered as such to all Intents and Purposes whatever.

Where the Seat becomes vacant, or the sitting Member declines to defend his Return before the Petition is taken into Consideration, Notice to be sent by the Speaker to the Returning Officer of the Place to which the Petition relates.

XI. And be it enacted, That if at any Time before the Day appointed for taking any such Petition into Consideration the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*; or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant; or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered in at the Table of the House within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return; in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of the same to be affixed on the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted by Order of the Speaker in one of the Two next *London* Gazettes; and the Order for taking such Petition into Consideration shall, if necessary, be adjourned, so that at the least Thirty Days may intervene between the Day on which such Notice shall be inserted in the said Gazette and the Day on which such Petition shall be taken into Consideration.

Notice to be affixed on the Doors of the County Hall, &c. and inserted in the London Gazette; and Consideration of the Petition adjourned.

Within 30 Days after Notice, Voters, &c. may be ad-

XII. And be it enacted, That it shall and may be lawful, at any Time within Thirty Days after the Day on which such Notice shall have been inserted in the said Gazette, for any Person or Persons claiming to have had a Right to vote at such Election, or at the Election

Election of Delegates or Commissioners for making such Election, to petition the House, praying to be admitted as a Party or Parties in the Room of such Member; and such Person or Persons shall thereupon be so admitted as a Party or Parties, and shall be considered as such, to all Intents and Purposes whatever.

mitted as Parties to defend the Return.

XIII. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given such Notice as aforesaid, of his Intention not to defend the same, he shall not be admitted to appear or act as a Party against such Petition in any subsequent Proceedings thereupon; and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

Members having given Notice of their Intention not to defend, shall not be admitted as Parties.

XIV. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament for *Great Britain*, all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the House of Commons Lists of the Votes intended to be objected to, to be by the said Clerk kept in his Office, open to the Inspection of all Parties concerned, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to; and that such Lists shall be so delivered in, upon all controverted Elections and Returns for *Scotland*, or for any County in *England* or *Wales*, Ten Days at least before the Day appointed for the Consideration of the Petition complaining of such Election or Return; and upon all other controverted Elections or Returns for *England* or *Wales*, Five Days at least before the Day appointed for the Consideration of such Petition: Provided always, that if the Consideration of any such Petition shall be postponed by Order of the House during the same Session, or shall be renewed at the Commencement of another Session, it shall be sufficient if such Lists shall be so delivered within such Periods as are hereby directed before the Committees for the Trial of such Petitions shall be actually appointed; or if any Person or Persons shall have been admitted as aforesaid to defend the Return in the Room of any sitting Member or Members returned in a Double Return, who before such Petition is taken into Consideration shall have died, or been called by Writ of Summons to Parliament as a Peer of *Great Britain*, or whose Seat shall have become vacant by Law, or who shall in the Manner aforesaid have declared his Intention not to defend his Election or Return, then it shall be sufficient if such Lists shall be so delivered within such Periods as are herein-before directed before the Time to which the taking such Petition into Consideration shall be adjourned.

Lists of Votes intended to be objected to, to be delivered to the Clerk of the House of Commons.

XV. And be it enacted, That no Evidence shall be adduced before the Select Committee appointed for the Trial of the Petition upon which such List shall have been delivered in, against the Validity of any Vote, upon any Head of Objection to such Voter other than one of the Heads so specified and particularized against him in such List as aforesaid; and if any Ground of Objection shall be stated against any Voter in such Lists, and no Evidence shall be produced before such Select Committee to substantiate such Objection, and if such Select

Evidence to be confined to Objections particularized in the Lists.

Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

On Days appointed for taking Petitions into Consideration, House to proceed to the Order of the Day for that Purpose before any other Business, except as herein is excepted.

XVI. And be it enacted, That on the Day appointed for taking any such Petition into Consideration the House shall not proceed to any Business previous to the Reading of the Order of the Day for that Purpose, except to swear in any Member, or to receive any Report from any Select Committee appointed in pursuance of this Act, and to enter the same upon their Journals, and to give the necessary Orders and Directions thereupon; or to admit the Clerk of the Crown to alter or amend any Return, in pursuance of an Order made on a preceding Day or on that Day; or to attend His Majesty or His Majesty's Commissioners in the House of Lords, in consequence of any Message from His Majesty, or from His Majesty's Commissioners, signified to the House in the usual Manner; or to receive any Message or Messages from the Lords; or on Days appointed for the Trial of any Articles of Impeachment exhibited or to be exhibited by the Commons before the Lords in Parliament, to proceed to any Business that may be necessary for the Purpose of carrying on the Prosecution of such Impeachment.

Serjeant at Arms, before the Reading of the Order, to require the Attendance of Members. House to be counted, and if there are not 100 Members present, the House to adiourn, &c.

XVII. And be it enacted, That at the Time appointed for taking any such Petition into Consideration, and previous to the Reading of the Order of the Day for that Purpose, the Serjeant at Arms shall be directed to go with the Mace to the Places adjacent, and require the immediate Attendance of the Members on the Business of the House; and that after his Return the House shall be counted, and if there be less than One hundred Members present, the Order for taking such Petition into Consideration shall be immediately adjourned to a particular Hour on the following Day, (*Sunday*, *Christmas Day*, and *Good Friday* always excepted,) and the House shall not proceed to any other Business whatsoever, except as hereafter provided, but shall then adjourn to the said Day; and the Proceedings of all Committees, subsequent to such Notice from the said Serjeant, shall be void; and on the following Day the House shall proceed in the same Manner, and so from Day to Day, till there be an Attendance of One hundred Members at the Reading of the Order of the Day to take such Petition into Consideration: Provided always, that if, after reading the Order of the Day for taking any such Petition into Consideration, on any Day immediately preceding *Christmas Day*, (or if *Christmas Day* falls on a *Monday*, on the preceding *Saturday*,) *Whitsunday*, or *Good Friday*, it shall be found that there are not One hundred Members present, or that the Number of Thirty-three Members, not set aside or excused, cannot be completed, it shall and may be lawful for the House, if they shall think fit, to direct that the

said Order shall be adjourned for any Number of Days, and the House shall then immediately be adjourned to the Hour and Day to which such Order shall be so adjourned.

If 100 Members are present, the Parties, &c. to be ordered to the Bar.

XVIII. And be it enacted, That if after summoning the Members, and counting the House, as aforesaid, One hundred Members shall be found to be present, the Parties, their Counsel or Agents, shall be ordered to attend at the Bar, and then the Door of the House shall be locked, and no Member shall be suffered to enter into or depart from the House until the Parties, their Counsel or Agents, shall be directed to withdraw, as herein-after is mentioned; and when the Door shall be locked as aforesaid, the Order of the Day shall be read, and the Names of all the Members of the House, written on distinct Pieces of Paper, being all as near as may be of equal Size, and folded up in the same Manner, shall be put into Six Glasses, to be placed on the Table for that Purpose; and then the Clerk or Clerk Assistant attending the House shall publicly draw out of the said Six Glasses the said Pieces of Paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until Thirty-three Names of the Members present be drawn: Provided always, that the Names of all the Members so written and folded up shall, previous to the Time appointed for taking any such Petition into Consideration, be prepared by the said Clerk or Clerk Assistant, and by him put into a Box in the Presence of the Speaker, together with an Attestation, signed by the said Clerk or Clerk Assistant, purporting that the Names of all the Members were by him put therein the Day of in the Year , which said Box the Speaker shall seal or cause to be sealed, in his Presence, with his own Seal, and to the Outside thereof shall annex or cause to be annexed an Attestation, signed by himself, purporting that the said Box was, on the Day of in the Year , made up in his Presence, in the Manner directed by this Act; and that as soon as the Parties shall be withdrawn as aforesaid, and before the House shall enter on any other Business, any Member may require that the Names of all the Members which remain undrawn shall be drawn and read aloud by the said Clerk or Clerk Assistant.

Names of Members to be put in Six Boxes or Glasses, and drawn out alternately, and read by the Speaker, till 33 be drawn, &c.

Previous to taking a Petition into Consideration, the Names of Members to be put into a Box, &c.

How to proceed where Two or more Petitions are ordered to be taken into Consideration on the same Day.

XIX. And be it enacted, That when Two or more such Petitions are ordered to be taken into Consideration by the House on the same Day, it shall and may be lawful, after summoning the Members and counting the House, in the Manner herein-before directed, to order all the Petitioners and other Parties, by themselves, their Counsel or Agents, to attend within the House at the same Time, before the Door shall be locked; and after the List of the Thirty-three Names of the Members present hath been drawn by Lot and completed, in order to form the First Committee, as herein-before is directed, it shall and may be lawful to proceed forthwith, and before the Door of the House shall be opened, except for the Purposes herein-after mentioned, to draw by Lot, and complete in like Manner, out of the same Glasses, another List of Thirty-three Names of the remaining Members present, in order to form the Second Committee, according to the said Directions; and in the same Manner

to draw by Lot and complete successive Lists of Thirty-three Names of the remaining Members present, in order to form a Third or Fourth Committee, according to the said Directions.

Number of Members to be present to form more than One Ballot.

XX. And be it enacted, That it shall not be lawful to proceed in manner aforesaid to form successive Lists, in order to form more than One of such Committees, unless One hundred and twenty Members shall be present in the House at the Time of counting the same; nor to form successive Lists, in order to form more than Two such Committees, unless One hundred and eighty Members shall then be present in the House; nor to form successive Lists, in order to form more than Three such Committees, unless Two hundred and forty Members shall then be present in the House.

Certain Members disqualified from serving on Committees.

XXI. And be it enacted, That if the Name of any Member who shall have given his Vote at the Election complained of as aforesaid, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, or whose Return shall not have been brought in Fourteen Days, shall be drawn, his Name shall be set aside, and not be entered in the List of Names drawn.

Members above 60 Years of Age may be excused.

XXII. And be it enacted, That if the Name of any Member of Sixty Years of Age or upwards be drawn, he shall be excused from serving on any Select Committee to be appointed by virtue of this Act, if he require it, and verify the Cause of such Excuse upon Oath.

Or Members who have previously served on a Select Committee during the same Session.

XXIII. And be it enacted, That if the Name of any Member who has served on One such Select Committee during the same Session be drawn, he shall, if he require it, be excused from serving again in any such Select Committee, unless the House shall, before the Day appointed for taking the said Petition into Consideration, have resolved that the Number of Members who have not served on any such Select Committee in the same Session is insufficient to fulfil the Purposes of this Act respecting the Choice of such Select Committee.

As to Members whose Attendance has been excused.

XXIV. And be it enacted, That no Member who, after having been appointed to serve on any such Select Committee, shall, on account of Inability or Accident, have been excused from attending the same throughout, shall be deemed to have served on any such Committee.

If Members offer other Excuses, the Opinion of the House to be taken thereon.

XXV. And be it enacted, That if any other Member shall offer any other Excuse, the Substance of the Allegations shall be taken down by the said Clerk, in order that the same may afterwards be entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought not to be compelled to serve on such Select Committee, he also shall be excused from such Service: Provided always, that the said Member shall thereupon verify upon Oath the Allegations so taken down by the Clerk.

XXVI. And be it enacted, That in case the House shall proceed in manner aforesaid to form successive Lists, in order to form Two or more such Committees, and any Member whose Name is drawn shall be excused for some Reason which applies specially to any one Petition, the Name of such Member shall be returned into the Glass from whence it has been taken, so that it might be again drawn by Lot upon any of the following Petitions.

Members excused for Reasons applying especially to One Petition may be redrawn.

XXVII. And be it enacted, That instead of the Members so set aside and excused, the Name of other Members shall be drawn, who may, in like Manner, be set aside or excused, and others drawn to supply their Places, until the whole Number of Thirty-three Members not liable to be so set aside or excused shall be complete; and if the Number of Thirty-three Members, not set aside nor excused, cannot be completed, the House shall proceed in the Manner they are herein-before directed in case there be less than One hundred Members present at the Time prescribed for counting the House, and so from Day to Day, as often as the Case shall happen: Provided always, that if Two or more such Petitions are to be taken into Consideration on the same Day, and it shall happen, by reason that a sufficient Number of Members liable to serve are not present in the House, that successive Lists cannot be formed, in manner aforesaid, upon all such Petitions, yet the House may nevertheless proceed to form the List or Lists, and appoint the Select Committee or Committees upon One or more of such Petitions, as far as they are enabled so to do by the Number of Members present, and may, after such Appointment, proceed to any other Business; and the Order or Orders for taking the remaining Petition or Petitions into Consideration shall be adjourned, as herein-before is directed in case there be less than One hundred Members present at the Time prescribed for counting the House.

Instead of Members excused, others to be drawn.

If Number of 33 Members cannot be completed, House to adjourn.

But if One Committee has been formed, the House may proceed with other Business; and the Orders for the remaining Petitions may be adjourned.

XXVIII. And be it enacted, That as soon as Thirty-three Members shall have been so chosen by Lot, the House may proceed to take any other such Petition into Consideration as may have been appointed to be considered on that Day, and if there be none such, then the Doors of the House shall be opened, and the House may proceed upon any other Business.

When Lists are complete, the House to proceed to other Business.

XXIX. Provided always, and be it enacted, That if after counting the House in the Manner herein-before mentioned there be less than One hundred Members present, or if Thirty-three Members, not set aside or excused, cannot be completed, as herein-before is provided, the House shall not proceed upon any Business whatever, except to adjourn the Order of the Day for taking any such Petition into Consideration, in manner herein-before directed, or to proceed upon any Order of the Day for the Call of the House which shall have been previously fixed for that Day, and to direct that the House, in pursuance of such Order, be then called over, if they shall so think fit, or to direct that such Order of the Day for the Call of the House shall be adjourned to such future Day as they shall appoint, and in either of such Cases to come to such Resolutions, and to make such Orders relating thereto, as to the House shall seem meet; and in case no

How to proceed where a List cannot be completed.

no Order of the Day for a Call of the House shall have been previously fixed for that Day, then to order that the House shall be called over on such future Day as they shall appoint, and to make such Orders relating thereto as they shall think necessary, and in such Case to make such other Orders as to them shall seem expedient, for enforcing the Attendance of the Members upon the Business of the House, and that the House shall then adjourn to the same Day to which the Order or Orders for taking into Consideration any such Petition or Petitions shall have been adjourned, and so from Time to Time, as Occasion shall require; and in case no such Proceedings with respect to any Call of the House, or other the Matters before mentioned, shall take place, or if in the Course of those Proceedings the House shall be adjourned for Want of Members, the House shall be deemed and taken, and shall be declared to be adjourned to the same Day to which such Order or Orders shall have been adjourned: Provided always, that in case the Thirty-three Members not set aside or excused cannot be completed, it shall not be lawful for the House to proceed upon any of the Matters before mentioned until the Door of the House is unlocked, and the Parties, their Counsel and Agents, are withdrawn from the Bar.

Lists of the 33 Members to be given to the Parties who are to withdraw, and reduce the Number to Eleven.

XXX. And be it enacted, That as soon as the said Thirty-three Members shall have been so chosen by Lot, the Petitioners and sitting Member or Members, or any Party who may have been admitted to defend the Return, or to defend any Right of Election, and all the Parties, their Counsel or Agents, shall immediately withdraw, together with the Clerk appointed to attend the said Select Committee; which Clerk shall furnish a List of the Thirty-three Members to each of the Parties; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, shall alternately strike off One of the said Thirty-three Members, until the said Number shall be reduced to Eleven; and the said Clerk, within One Half Hour at furthest from the Time of the Parties withdrawing from the House, or if the Doors of the House shall at the Expiration of such Half Hour be closed, then immediately after they shall be opened, shall deliver in to the House the Names of the Eleven Members then remaining, and the said Eleven Members shall be sworn at the Table well and truly to try the Matter of the Petition referred to them, and a true Judgment to give according to the Evidence, and shall be deemed and taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election appointed by the House to be by them taken into Consideration, from and after the Time of any such Select Committee having been sworn at the Table; and the House shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of the Appointment of the said Select Committee, unless a *Sunday*, *Christmas Day*, or *Good Friday* shall intervene; and the Place of their meeting and sitting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

XXXI. And

XXXI. And be it enacted, That on the Parties withdrawing as aforesaid, the House shall continue sitting, and the said Thirty-three Members so chosen by Lot shall not depart the House till the Time for the Meeting of such Select Committee shall be fixed.

Members chosen not to depart till Meeting of Committee is fixed.

XXXII. And be it enacted, That if Two or more such Petitions are to be taken into Consideration on the same Day, it shall be lawful for the Parties, their Counsel or Agents, to withdraw from the House as soon as the List of Thirty-three Names shall have been drawn, in order to form the Committee for the Trial of such Petition respectively, and for the Clerk appointed to attend the said Committee to return the reduced List in the Time intervening between any Two Ballots; and the Members remaining upon any of the said reduced Lists shall be sworn at the Table, and shall be at liberty forthwith to depart from the House.

When several Petitions are taken into Consideration, Parties may reduce List between the Ballots, and Committee may leave.

XXXIII. And be it enacted, That if, on a Complaint by Petition of an undue Election or Return, there shall be more than Two Parties before the House on distinct Interests, or complaining or complained of upon distinct Grounds, whose Right to be elected or returned may be affected by the Determination of any such Select Committee, each of the said Parties shall successively strike off a Member from the Thirty-three Members chosen by Lot, until the same Number be reduced to Eleven, in the same Manner as is herein-before directed for the striking off of a Member by each Party, and the List of the Thirty-three Members chosen by Lot shall for this Purpose be given to all the said Parties, and the Order in which the said Parties shall so strike off the said Members shall be determined by Lot after they are withdrawn from the Bar, and in like Manner shall be determined the Order in which the Parties in Petitions complaining of the same Double Return shall strike off the said Members; and the Eleven Members remaining on the said reduced List shall be sworn at the Table, and be a Select Committee for the Purposes aforesaid.

If more than Two Parties on distinct Interests, each Party to strike off the Name of a Member from the 33 successively until reduced to Eleven.

XXXIV. And be it enacted, That if within One Hour after the Time appointed for taking any Petition complaining of an undue Election or Return, or Omission to make a Return, into Consideration, the sitting Member or sitting Members, or other Party opposing the Petition, shall not appear, by himself or themselves, or his or their Counsel or Agents, or if at the Time so appointed as aforesaid there shall be no Party before the House opposing such Petition, or any Petition touching a Right of Election, the House shall proceed to appoint a Select Committee to try the Merits of such Petition, in the following Manner; (that is to say,) that the Names of Thirty-three Members shall be drawn in the Manner herein-before prescribed; but in reducing the List of such Names to Eleven the Place of the Party opposing the Petition shall be supplied by the Clerk appointed to attend the said Committee, who shall, as often as it shall come to his Turn, as supplying the Place of such Party, strike out that Name which then shall be first on the said List.

Regulations for the Trials of the Merits of Petitions where no opposing Party appears.

Reducing Lists when any Party shall waive his Right.

XXXV. And be it enacted, That the same Method of reducing the List of Members drawn to Eleven shall be followed whenever any Party shall waive his Right of striking off Names from the said List.

Manner of proceeding when Returning Officers, who have been ordered to attend, shall appear;

XXXVI. And be it enacted, That if the Returning Officer or Officers by whom any Return ought to have been made or has been made shall attend the House when any Petition complaining of any undue Election or Return, or Omission to make a Return, is ordered to be taken into Consideration, in consequence of such Order and Notice as is herein-before described, and in case there shall be more Petitions than One presented on distinct Interests, or complaining upon different Grounds, the House shall determine, from the Nature of the Case, whether the Returning Officer or Officers, his or their Counsel or Agents, shall, together with such Petitioners, be entitled to strike off from the List of Members drawn by Lot, in the Manner herein-before directed in Cases where there shall be more than Two Parties before the House, or whether such List shall be reduced by the Parties severally presenting such Petitions only; and if such Officer or Officers cannot be found to be served with such Notice or Order, or being served, shall not appear, by himself or themselves, his or their Counsel or Agents, at the Day and Time appointed for taking such Petition into Consideration, the House may permit or authorize any Person to appear in the Stead of him or them, and in like Manner shall decide whether the Person so nominated or appointed to appear in the Place of such Returning Officer or Officers shall be entitled to strike off from the said List of Thirty-three Members so drawn by Lot as aforesaid, as it might do in case the Returning Officer or Officers had appeared.

when Returning Officers do not appear.

Committee to elect a Chairman.

XXXVII. And be it enacted, That every such Select Committee shall on their meeting elect a Chairman; and if in the Election of a Chairman there be an equal Number of Voices, the Member whose Name was first drawn in the House shall have a casting Voice; so likewise, in case there should ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first elected.

Committees to be attended by a Short-hand Writer.

XXXVIII. And be it enacted, That every such Committee shall or may be attended by a Person well skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down, in Short-hand, the Evidence adduced before such Committee, and from Day to Day, as Occasion may require, to transcribe or cause the same to be transcribed, in Words at Length, for the Use of such Committee.

Committee empowered to send for and examine Persons, Papers, and Records.

XXXIX. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, except it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come

before them upon Oath; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Directions, may at any Time during the Course of their Proceedings report the same to the House, for the Interposition of their Authority, or Censure, as the Case may require, and may by a Warrant under his Hand, directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

XL. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine, by a Majority of Voices of such Select Committee, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties (except as is herein-after provided for) to all Intents and Purposes; and the House, on being informed thereof by the Chairman of the said Select Committee, shall order the same to be entered in their Journals, and give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into Execution, as the Case may require; and every such Committee, at the same Time that they inform the House of their final Determination on the Merits of the Petition which they were sworn to try, shall also report to the House whether such Petition did or did not appear to them to be frivolous or vexatious; and in like Manner report with respect to every Party who shall have appeared before them in opposition to such Petition, whether the Opposition of such Party did or did not appear to them to be frivolous or vexatious; and if no Party shall have appeared before them in opposition to such Petition, they shall then report to the House whether such Election or Return, or such alleged Omission of a Return, as shall be complained of in such Petition, (according as the Case may be,) did or did not appear to them to be vexatious or corrupt.

Committee to decide, and to report their Decision to the House, &c.

Decision to be final, except in certain Cases.

Committee to report whether the Petition or Opposition to it is frivolous or vexatious, or whether the Return is vexatious or corrupt.

XLI. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that the Chairman of such Select Committee shall inform the House of such Determination; and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

Committees may report their Determinations on other Matters to the House.

XLII. And be it enacted, That every such Select Committee shall sit every Day (*Sunday*, *Christmas Day*, and *Good Friday* only excepted), and

Committees not to adjourn for

more than 24 Hours, without Leave, &c.

and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday*, *Christmas Day*, or *Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday*, *Christmas Day*, or *Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment, for any Time to be fixed by the House: Provided always, that if such Select Committee shall have occasion to apply or report to the House in relation to the Adjournment of such Select Committee, the Absence of the Members thereof, or the Non-attendance or Misbehaviour of Witnesses summoned to appear or appearing before them, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the Meeting of the House.

Committee Man not to absent himself.

Committee not to sit until all be met.

On Failure of meeting within One Hour, Adjournment to be made.

XLIII. And be it enacted, That no Member of any such Select Committee shall be allowed to absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, on special Cause shewn and verified upon Oath; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case they shall not all meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, in the Manner as before directed, and reported, with the Cause thereof, to the House.

Chairman to report Absentees, who are to be directed to attend, &c.

XLIV. And be it enacted, That the Chairman of every such Select Committee shall at the next Meeting of the House always report the Name of every Member thereof who shall have been absent therefrom without such Leave or Excuse as aforesaid, and such Member shall be directed to attend the House at the next Sitting thereof, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sudden Accident, or by Necessity, prevented from attending the said Select Committee.

If more than Two Members be absent, Committee to adjourn.

XLV. And be it enacted, That if more than Two Members of any such Select Committee shall on any Account be absent therefrom, such Select Committee shall adjourn in the Manner herein-before directed, and so from Time to Time, until Nine Members are assembled, except as is hereafter provided.

If any Committee is reduced to less than Nine by the Non-attendance of its Members,

XLVI. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall, by Death or otherwise, be unavoidably reduced to less than Nine, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved, and another chosen to try and determine the Matter of such Petition

Petition in manner aforesaid; and all the Proceedings of such former Select Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall have sat for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, nor including *Sunday*, *Christmas Day*, or *Good Friday*, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Eight be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Eight, and shall so continue for the Space of Three sitting Days; and whenever any such Committee shall in like Manner have sat for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland*, under the Provisions of an Act passed in the Forty-second Year of the Reign of His late Majesty, and intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland, it shall and may be lawful for them to proceed to Business, if a Number of Members not less than Seven be present; and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Seven, and shall so continue for the Space of Three sitting Days.

it shall be dissolved, except as herein mentioned.

42 G. 3. c. 106.

XLVII. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as such Select Committee shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of such Committee consider thereof; and all such Questions, as well as such Determinations, and all other Resolutions, shall be by a Majority of Voices; and if the Voices shall be equal, including the Voice of such Chairman, the Chairman shall have a casting Voice.

When Committee is deliberating, the Room to be cleared, &c.

XLVIII. And be it enacted, That no Determination shall be made by any such Committee on any Question whatsoever, save and except such as may arise in consequence of the Absence of any Member, unless the Number of Members herein-before required be present: Provided always, that no Member shall be entitled to vote on the Determination of any Question, who has not attended during every Sitting of such Committee, except such at which the Committee shall have met and adjourned in manner herein-before directed, in consequence of the Absence of such Member.

No Determination to be made by any Committee unless the requisite Number of Members are present.

XLIX. And be it enacted, That the Oaths by this Act directed to be taken in the House shall be administered by the said Clerk or Clerk Assistant, and that the Oaths directed by this Act to be taken before any Select Committee shall be administered by the Clerk attending

How Oaths are to be administered, &c.

attending such Select Committee; and that all Persons who shall be guilty of wilful and corrupt Perjury in any Evidence which they shall give before the House or such Committee, in consequence of the Oath which they shall have taken by the Direction of this Act, shall on Conviction thereof incur and suffer the like Pains and Penalties to which any other Person convicted of wilful and corrupt Perjury is liable by the Laws and Statutes of this Realm.

When the Merits of a Petition depend on Questions respecting the Right of Election, &c. Committee to require Statements in Writing of such Rights, and to report thereon, &c.

L. And be it enacted, That whenever any Committee appointed to try the Merits of any such Petition as aforesaid shall be of Opinion that the Merits of such Petition do wholly or in part depend on any Question or Questions which shall be before them respecting the Right of Election for the County, City, Borough, District of Burghs, Port, or other Place to which such Petition shall relate, or respecting the Right of choosing, nominating, or appointing the Returning Officer or Returning Officers who is or are to make Return of such Election, the said Committee in such Case shall require the Counsel or Agents for the several Parties, or if there shall be none such before them, shall then require the Parties themselves, to deliver to the Clerk of such Committee Statements in Writing of the Right of Election, or of choosing, nominating, or appointing Returning Officers, for which they respectively contend; and the Committee shall come to distinct Resolutions on such Statements, and shall, at the same Time that they report to the House their final Determination on the Merits of such Petition, also report to the House such Statement or Statements, together with their Judgment with respect thereto; and such Report shall thereupon be entered in the Journals of the House, and Notice thereof shall be sent by the Speaker to the Sheriff or other Returning Officer of the Place to which the same shall relate, and a true Copy of such Notice shall, by such Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held, and such Notice shall also be inserted, by Order of the Speaker, in One of the Two next *London* Gazettes.

Petitions of Appeal may be presented to the House within Six Months after a Report has been made on any Right of Election, &c.

LI. And be it enacted, That whenever any such Report with respect to such Rights, any or either of them, shall be made to the House, it shall and may be lawful for any Person or Persons, within Six Months next after the Day on which such Report shall have been made to the House, or in case such Six Months shall end between the Time when the present or any future Parliament shall be dissolved or shall expire and the Day on which the next Parliament shall meet, or in case such Six Months shall expire during any Recess, either by the Prorogation of Parliament or by the Adjournment of the House of Commons for Fourteen Days intervening between the Day of Adjournment and the Day to which the House shall be so adjourned, then within Fourteen Days next after the first Day of the next Parliament, or of the next Session of the same Parliament, or of the next Meeting of the House of Commons, as the Case may be, to petition the House to be admitted as a Party or Parties to oppose those Rights, any or either of them, which shall have been deemed valid in the Judgment of such Committee; and

that

that such Petition, when presented, shall be ordered by the House to lay on the Table till such Six Months, or such Fourteen Days as aforesaid, shall be expired; and that within Twenty-one sitting Days after the Expiration of such Six Months, or Fourteen Days, a Day and Hour shall be appointed by the House for taking the same into Consideration, so that the Space of Fourteen Days at the least shall always intervene between the Day on which such Order shall be made and the Day appointed by the House for taking the same into Consideration; and such Day and Hour may from Time to Time be altered as to the House shall seem fit; and Notices of such Day and Hour, and of such Alteration thereof, shall be sent to the several Persons who have petitioned the House respecting such Rights, in like Manner as is done in other Cases: Provided always, that if no such Petition shall be so presented within the Times above limited for presenting the same, the said Judgment of such Committee on such Question or Questions shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the contrary notwithstanding.

Notice of the Time fixed for taking Petitions into Consideration to be inserted in the Gazette, and sent to Returning Officers, &c.

LII. And be it enacted, That whenever a Day or Hour shall be appointed by the House for taking any such Petition into Consideration, Notice of such Day and Hour shall be inserted, by Order of the Speaker, in One of the Two next *London* Gazettes, and also shall be sent by him to the Sheriff or other Returning Officer for the Place to which such Petition shall relate; and a true Copy of such Notice shall, by the said Sheriff or other Returning Officer, be forthwith affixed to the Doors of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held.

Who may be admitted Parties to defend the Right of Election, &c.

LIII. And be it enacted, That it shall and may be lawful for any Person or Persons, at any Time before the Day so appointed for taking such Petition into Consideration, to petition the House to be admitted as a Party or Parties to defend such Right of Election, or of choosing, nominating, or appointing the Returning Officer or Officers; and such Person or Persons shall thereupon be so admitted, and shall be considered as such to all Intents and Purposes whatever.

Committees of Appeal, how to be appointed;

LIV. And be it enacted, That at the Hour appointed by the House for taking such Petition into Consideration the House shall proceed to appoint a Select Committee to try the Merits thereof, in the same Manner as Select Committees are herein-before by this Act directed to be appointed: Provided always, that if the Name of any Member shall be drawn who shall have served on the Select Committee whose Determination forms the Subject of Complaint in the Petition then about to be taken into Consideration, the Name of such Member shall not be entered in the List of Names drawn; and such Select Committee shall be sworn to try and determine the Merits of such Petition, so far as the same relate to any Question or Questions respecting the Right of Election for the Place to which the Petition shall relate, or respecting the Right of appointing, nomi-

their Determination to be final.

nominating, or choosing the Returning Officer or Returning Officers who are to make Return of such Election; and the Determination of such Committee on such Question or Questions shall be entered in the Journals of the House, and shall be held and taken to be final and conclusive in all subsequent Elections of Members of Parliament for that Place to which the same shall relate, and to all Intents and Purposes whatsoever; any Usage to the contrary notwithstanding.

Powers and Regulations given to other Election Committees to extend to Appeal Committees.

LV. And be it enacted, That all and every the Rules, Regulations, Authorities, or Powers prescribed and given by this Act to Select Committees for the Trial of controverted Elections or Returns, shall be in full Force and Effect with respect to Select Committees hereby appointed for the Trial of such Question or Questions of Right as aforesaid: Provided always, that the several Rules and Regulations herein-before mentioned, by which certain Persons are directed to enter into Recognizances, and by which certain Persons are made liable to the Payment of Costs, in the particular Manner and in the several Cases herein-before specified, shall not be construed to apply to the Case of any Petition presented to oppose or defend the Determination of any Select Committee on any Question or Questions respecting the Right of Election, or of choosing, nominating, or appointing a Returning Officer or Returning Officers.

Committees not dissolved by the Prorogation of Parliament, &c.

LVI. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but shall not have been taken into Consideration, the House shall, within Two Days after the next Meeting of Parliament, appoint a Day and Hour for taking the same into Consideration; and if the Parliament shall be prorogued while any Select Committee appointed under the Authority of this Act shall be sitting for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Dispatch of Business (*Sundays*, *Good Friday*, and *Christmas Day* always excepted); and all former Proceedings of such Committee shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day, in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs, when incurred by Petitioners, &c.

LVII. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition (except as is herein-before excepted), that the same appeared to them to be frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of

them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Parties opposing Petitions, &c.

LVIII. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred where no Party appears to oppose a Petition, &c.

LIX. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return, complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition; such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, how to be ascertained.

LX. And be it enacted, That the Costs and Expences of prosecuting or opposing any Petition presented under the Provisions of this Act, and the Costs, Expences, and Fees which shall be due and payable to any Witness summoned to attend before such Committee, or to any Clerk or Officer of the House of Commons, upon the Trial of any such Petition, shall be ascertained in manner following; (that is to say), that on Application made to the Speaker of the House of Commons within Three Months after the Determination of the Merits of such Petition, by any such Petitioner, Party, Witness or Officer, as before mentioned, for ascertaining such Costs, Expences, or Fees, the Speaker shall direct the same to be taxed by Two Persons, of whom the Clerk or one of the Clerks Assistant of the House shall always be one, and One of the following Officers, not being a Member of the House, shall be the other; (that is to say), Masters in the High Court of Chancery, Clerks in the Court of King's Bench, Prothonotaries in the Court of Common Pleas, and Clerks in the Court of Exchequer; and the Persons so authorized and directed to tax such Costs, Expences, and Fees shall and they are hereby required to examine the same, and to report the Amount thereof, together with the Name of the Party liable to pay the same, to the

Speaker of the said House, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs, Expences, and Fees allowed in such Report, together with the Name of the Party liable to pay the same; and the Persons so appointed to tax such Costs, Expences, and Fees, and report the Amount thereof, are hereby authorized to demand and receive for such Taxation and Report such Fees as shall be from Time to Time fixed by any Resolution of the House; and such Certificate so signed by the Speaker shall be conclusive Evidence of the Amount of such Demands, in all Cases and for all Purposes whatsoever; and the Witness, Officer, or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Costs to be taxed.

LXI. And be it enacted, That in all Cases the Persons herein-before authorized and directed by the Speaker of the House of Commons to tax such Costs and Expences shall allow all reasonable Costs as between Attorney and Client.

Persons appointed to tax Costs empowered to take Affidavits.

LXII. And be it enacted, That each of the Persons so authorized as aforesaid by the Speaker of the House of Commons to tax such Costs, Expences, or Fees, and also any Master of the High Court of Chancery, or any of His Majesty's Justices of the Peace, shall be, and they and each of them are hereby authorized and empowered to take any Affidavit relative to such Costs, Expences, or Fees, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidavit; and all and every Person convicted of wilfully false swearing in any Affidavit authorized to be made by this Act, shall be deemed guilty of and suffer the Penalties on Persons convicted of wilful and corrupt Perjury.

Costs, how to be recovered.

LXIII. And be it enacted, That it shall and may be lawful for the Party or Parties entitled to such Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any one or more of the Persons respectively who are herein-before made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Non-payment thereof to recover the same by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum to which the Costs and Expences, ascertained in manner aforesaid, shall amount, by virtue of this Act; and the Certificate of such Amount, so signed as aforesaid by the Speaker, shall have the Force and Effect of a Warrant to confess Judgment; and the Court in which such Action shall be commenced shall, upon Motion, and on the Production of such Certificate, enter up Judgment in favour of the Plaintiff or Plaintiffs named in such Certificate, for the Sum specified therein to be due from the Defendant or Defendants in such Action, in like Manner as if the said Defendant or Defendants had signed a Warrant to confess Judgment in the said Action to that Amount.

Speaker's Certificate to have the Effect of a Warrant to confess Judgment.

LXIV. And be it enacted, That in every Case where the Amount of such Costs and Expences shall have been so recovered from any Person or Persons, it shall and may be lawful for such Person or Persons to recover, in like Manner, from the other Persons, or any of them, (if such there shall be,) who are liable to the Payment of the same Costs and Expences, a proportionable Share thereof, according to the Number of Persons so liable.

Persons paying Costs may recover a Proportion thereof from other Persons liable thereto.

LXV. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf, before the House or such Select Committee, on the Trial of such Petition, the Sums so certified as aforesaid by the Speaker to be due to such Witness, together with the further Sum of Forty Shillings *per Diem* for every Day during which such Petitioner or Petitioners shall delay to satisfy the same; or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Officer of the House, or to any Party who shall appear in opposition to the said Petition, the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party, for their Fees, Costs, or Expences, and that such Neglect or Refusal shall be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made Default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made Default therein; and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of One of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

Recognizances, when to be estreated, &c.

LXVI. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain*, every such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed, that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of His Majesty's Courts of Record at *Westminster*, or of his Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months

Returning Officer may be sued for neglecting to return any Persons duly elected.

Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

LXVII. And be it enacted, That this Act shall commence and take Effect from and after the last Day of the present Session of Parliament.

Form of Recognizance referred to in this Act.

BE it remembered, That on the Day of in the Year of our Lord before me *A. B.* (Speaker of the House of Commons) *or* (One of His Majesty's Justices of the Peace for the County of) came *C. D.*, *E. F.*, & *J. G.* (*H. K.* & *L. M.*) and severally acknowledged themselves to owe to our Sovereign Lord the King the following Sums; that is to say, the said *C. D.* the Sum of One thousand Pounds, and (the said *E. F.* and the said *J. G.* the Sum of Five hundred Pounds each,) [*or, in case there should be Four Sureties,* the said *E. F.*, *J. G.*, *H. K.*, & *L. M.* the Sum of Two hundred and fifty Pounds each]; to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lord the King, His Heirs and Successors, in case the said *C. D.* shall fail in performing the Condition hereunto annexed:

The Condition of this Recognizance is, That if the said *C. D.* shall well and truly pay all Costs and Expences and Fees which shall be due and payable from the said *C. D.* to any Witness who shall be summoned to give Evidence in his Behalf, or to any Clerk or Officer of the House of Commons, upon the Trial of the Petition signed by the said *C. D.* (complaining of an undue Election or Return for the [*here state the Place*], *or* (complaining that no Return has been made for the said within the Time limited by Act of Parliament), *or* (complaining that the Return made for the said is not a Return of a Member or Members, according to the Requisition of the Writ); and if the said *C. D.* shall also well and truly pay the Costs and Expences of the Party who shall appear before the House in opposition to the said Petition, in case the said *C. D.* shall fail to appear before the House at such Time or Times as shall be fixed by the House for taking such Petition into Consideration; or in case the said *C. D.* shall withdraw his said Petition by the Permission of the House; or in case the Select Committee appointed by the House to try the Matter of the said Petition shall report to the House that the said Petition appears to them to be frivolous or vexatious; then this Recognizance to be void, otherwise to be of full Force and Effect.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXIII.

An Act to enable Bankers in *England* to issue certain unstamped Promissory Notes and Bills of Exchange, upon Payment of a Composition in lieu of the Stamp Duties thereon.

[19th *June* 1828.]

WHEREAS it is expedient to permit all Persons carrying on the Business of Bankers in *England*, (except within the City of *London*, or within Three Miles thereof,) to issue their Promissory Notes payable to Bearer on Demand, or to Order within a limited Period after Sight, and to draw Bills of Exchange payable to Order on Demand, or within a limited Period after Sight or Date, on unstamped Paper, upon Payment of a Composition in lieu of the Stamp Duties which would otherwise be payable upon such Notes and Bills respectively, and subject to the Regulations herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful for any Person or Persons carrying on the Business of a Banker or Bankers in *England*, (except within the City of *London*, or within Three Miles thereof,) having first duly obtained a Licence for that Purpose, and given Security by Bond in manner herein-after mentioned,

Certain Bankers may issue unstamped Promissory Notes and Bills of Exchange,

subject to the Regulations herein mentioned.

tioned, to issue, on unstamped Paper, Promissory Notes for any Sum of Money amounting to Five Pounds or upwards, expressed to be payable to the Bearer on Demand, or to Order, at any Period not exceeding Seven Days after Sight; and also to draw and issue, on unstamped Paper, Bills of Exchange, expressed to be payable to Order on Demand, or at any Period not exceeding Seven Days after Sight, or Twenty-one Days after the Date thereof; provided such Bills of Exchange be drawn upon a Person or Persons carrying on the Business of a Banker or Bankers in *London*, *Westminster*, or the Borough of *Southwark*, or provided such Bills of Exchange be drawn by any Banker or Bankers, at a Town or Place where he or they shall be duly licensed to issue unstamped Notes and Bills under the Authority of this Act, upon himself or themselves, or his or their Copartner or Copartners, payable at any other Town or Place where such Banker or Bankers shall also be duly licensed to issue such Notes and Bills as aforesaid.

Commissioners of Stamps may grant Licences to issue unstamped Notes and Bills.

II. And be it enacted, That it shall be lawful for any Two or more of the Commissioners of Stamps to grant to all Persons carrying on the Business of Bankers in *England* (except as aforesaid), who shall require the same, Licences authorizing such Persons to issue such Promissory Notes, and to draw and issue such Bills of Exchange as aforesaid, on unstamped Paper; which said Licences shall be and are hereby respectively charged with a Stamp Duty of Thirty Pounds for every such Licence.

A separate Licence to be taken for every Place where such Notes or Bills shall be issued, but not to exceed Four Licences for any Number of such Places.

III. And be it further enacted, That a separate Licence shall be taken out in respect of every Town or Place where any such unstamped Promissory Notes or Bills of Exchange as aforesaid shall be issued or drawn: Provided always, that no Person or Persons shall be obliged to take out more than Four Licences in all for any Number of Towns or Places in *England;* and in case any Person or Persons shall issue or draw such unstamped Notes or Bills as aforesaid, at more than Four different Towns or Places, then, after taking out Three distinct Licences for Three of such Towns or Places, such Person or Persons shall be entitled to have all the rest of such Towns or Places included in a Fourth Licence.

Regulations respecting Licences.

IV. And be it further enacted, That every Licence granted under the Authority of this Act shall specify all the Particulars required by Law to be specified in Licences to be taken out by Persons issuing Promissory Notes payable to Bearer on Demand, and allowed to be re-issued; and every such Licence which shall be granted between the Tenth Day of *October* and the Eleventh Day of *November* in any Year shall be dated on the Eleventh Day of *October*, and every such Licence which shall be granted at any other Time shall be dated on the Day on which the same shall be granted; and every such Licence shall (notwithstanding any Alteration which may take place in any Copartnership of Persons to whom the same shall be granted) have effect and continue in force from the Day of the Date thereof until the Tenth Day of *October* then next following, both inclusive, and no longer.

V. Pro-

V. Provided always, and be it further enacted, That where any Banker or Bankers shall have obtained the Licence required by Law for issuing Promissory Notes payable to Bearer on Demand, at any Town or Place in *England*, and during the Continuance of such Licence shall be desirous of taking out a Licence to issue at the same Town or Place unstamped Promissory Notes and Bills of Exchange under the Provisions of this Act, it shall be lawful for the Commissioners of Stamps to cancel and allow as spoiled the Stamp upon the said first-mentioned Licence, and in lieu thereof to grant to such Banker or Bankers a Licence under the Authority of this Act; and every such last-mentioned Licence shall also authorize the issuing and re-issuing of all Promissory Notes payable to the Bearer on Demand, which such Banker or Bankers may by Law continue to issue or re-issue at the same Town or Place, on Paper duly stamped.

Commissioners may cancel Licences already taken out, and grant Licences under this Act in lieu thereof.

VI. Provided always, and be it further enacted, That if any Banker or Bankers, who shall take out a Licence under the Authority of this Act, shall issue, under the Authority either of this or any other Act, any unstamped Promissory Notes for Payment of Money to the Bearer on Demand, such Banker or Bankers shall, so long as he or they shall continue licensed as aforesaid, make and issue on unstamped Paper all his or their Promissory Notes for Payment of Money to the Bearer on Demand, of whatever Amount such Notes may be; and it shall not be lawful for such Banker or Bankers, during the Period aforesaid, to issue for the first Time any such Promissory Note as aforesaid on stamped Paper.

Bankers while licensed under this Act shall not issue, for the first Time, Notes on stamped Paper.

VII. And be it further enacted, That before any Licence shall be granted to any Person or Persons to issue or draw any unstamped Promissory Notes or Bills of Exchange under the Authority of this Act, such Person or Persons shall give Security, by Bond, to His Majesty, His Heirs and Successors, with a Condition, that if such Person or Persons do and shall from Time to Time enter or cause to be entered in a Book or Books to be kept for that Purpose, an Account of all such unstamped Promissory Notes and Bills of Exchange as he or they shall so as aforesaid issue or draw, specifying the Amount or Value thereof respectively, and the several Dates of the issuing thereof; and in like Manner also, a similar Account of all such Promissory Notes as, having been issued as aforesaid, shall have been cancelled, and the Dates of the cancelling thereof, and of all such Bills of Exchange as, having been drawn or issued as aforesaid, shall have been paid, and the Dates of the Payment thereof; and do and shall from Time to Time, when thereunto requested, produce and show such Accounts to, and permit the same to be examined and inspected by, the said Commissioners of Stamps, or any Officer of Stamps appointed under the Hands and Seals of the said Commissioners for that Purpose; and also do and shall deliver to the said Commissioners of Stamps Half-yearly, (that is to say,) within Fourteen Days after the First Day of *January* and the First Day of *July* in every Year, a just and true Account in Writing, verified upon the Oaths or Affirmations, (which any Justice of the Peace is hereby empowered to administer,) to the best of the Knowledge and Belief of such Person or Persons, and of his or their Cashier, Accountant, or Chief Clerk, or of

Bankers licensed to issue unstamped Notes or Bills shall give Security, by Bond, for the due Performance of the Conditions herein contained.

of such of them as the said Commissioners shall require, of the Amount or Value of all unstamped Promissory Notes and Bills of Exchange, issued under the Provisions of this or any former Act, in Circulation within the Meaning of this Act on a given Day, (that is to say,) on *Saturday* in every Week, for the Space of Half a Year prior to the Half-yearly Day immediately preceding the Delivery of such Account, together with the Average Amount or Value of such Notes and Bills so in Circulation, according to such Account; and also do and shall pay or cause to be paid to the Receiver General of Stamp Duties in *Great Britain*, or to some other Person duly authorized by the Commissioners of Stamps to receive the same, as a Composition for the Duties which would otherwise have been payable for such Promissory Notes and Bills of Exchange issued or in Circulation during such Half Year, the Sum of Three Shillings and Sixpence for every One hundred Pounds, and also for the fractional Part of One hundred Pounds, of the said Average Amount or Value of such Notes and Bills in Circulation, according to the true Intent and Meaning of this Act; and on due Performance thereof such Bond shall be void, but otherwise the same shall be and remain in full force and virtue.

For what Period Notes and Bills are to be deemed in Circulation.

VIII. And be it further enacted, That every unstamped Promissory Note payable to the Bearer on Demand, issued under the Provisions of this Act, shall, for the Purpose of Payment of Duty, be deemed to be in Circulation from the Day of the issuing to the Day of the cancelling thereof, both Days inclusive, excepting nevertheless the Period during which such Note shall be in the Hands of the Banker or Bankers who first issued the same, or by whom the same shall be expressed to be payable; and that every unstamped Promissory Note payable to Order, and every unstamped Bill of Exchange so as aforesaid issued, shall for the Purpose aforesaid be deemed to be in Circulation from the Day of the issuing to the Day of the Payment thereof, both Days inclusive: Provided always, that every such Promissory Note payable to Order, and Bill of Exchange as aforesaid, which shall be paid in less than Seven Days from the issuing thereof, shall, for the Purpose aforesaid, be included in the Account of Notes and Bills in Circulation on the *Saturday* next after the Day of the issuing thereof as if the same were then actually in Circulation.

Regulations respecting the Bonds to be given pursuant to this Act.

IX. And be it further enacted, That in every Bond to be given pursuant to the Directions of this Act the Person or Persons intending to issue or draw any such unstamped Promissory Notes and Bills of Exchange as aforesaid, or such and so many of the said Persons as the Commissioners of Stamps shall require, shall be the Obligors; and every such Bond shall be taken in the Sum of One hundred Pounds, or in such larger Sum as the said Commissioners of Stamps may judge to be the probable Amount of the Composition or Duties that will be payable from such Person or Persons, under or by virtue of this Act, during the Period of One Year; and it shall be lawful for the said Commissioners to fix the Time or Times of Payment of the said Composition or Duties, and to specify the same in the Condition to every such Bond; and every such Bond may be required to be renewed from Time to Time, at the Discretion of the said Commissioners, and as often as the same shall be forfeited, or the Parties

to the same, or any of them, shall die, become bankrupt or insolvent, or reside in Parts beyond the Seas.

Fresh Bonds to be given on Alterations of Copartnerships.

X. And be it further enacted, That if any Alteration shall be made in any Copartnership of Persons who shall have given any such Security by Bond as by this Act is directed, whether such Alteration shall be caused by the Death or Retirement of One or more of the Partners of the Firm, or by the Accession of any additional or new Partner or Partners, a fresh Bond shall be given by the remaining Partner or Partners, or the Persons composing the new Copartnership, as the Case may be, which Bond shall be taken as a Security for the Duties which may be due and owing, or may become due and owing, in respect of the unstamped Notes and Bills which shall have been issued by the Persons composing the old Copartnership, and which shall be in Circulation at the Time of such Alteration, as well as for Duties which shall or may be or become due or owing in respect of the unstamped Notes and Bills issued or to be issued by the Persons composing the new Copartnership; provided that no such fresh Bond shall be rendered necessary by any such Alteration as aforesaid in any Copartnership of Persons exceeding Six in Number, but that the Bonds to be given by such last-mentioned Copartnerships shall be taken as Securities for all the Duties they may incur so long as they shall exist, or the Persons composing the same, or any of them, shall carry on Business in Copartnership together, or with any other Person or Persons, notwithstanding any Alteration in such Copartnership; saving always the Power of the said Commissioners of Stamps to require a new Bond in any Case where they shall deem it necessary for better securing the Payment of the said Duties.

Penalty on Bankers neglecting to renew their Bonds.

XI. And be it further enacted, That if any Person or Persons who shall have given Security, by Bond, to His Majesty, in the Manner herein-before directed, shall refuse or neglect to renew such Bond when forfeited, and as often as the same is by this Act required to be renewed, such Person or Persons so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Penalty for post-dating unstamped Notes or Bills.

XII. And be it further enacted, That if any Person or Persons who shall be licensed under the Provisions of this Act shall draw or issue, or cause to be drawn or issued, upon unstamped Paper, any Promissory Note payable to Order, or any Bill of Exchange which shall bear Date subsequent to the Day on which it shall be issued, the Person or Persons so offending shall, for every such Note or Bill so drawn or issued, forfeit the Sum of One hundred Pounds.

This Act not to exempt from Penalties any Persons issuing unstamped Notes or Bills not in accordance herewith.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to exempt or relieve from the Forfeitures or Penalties imposed by any Act or Acts now in force, upon Persons issuing Promissory Notes or Bills of Exchange not duly stamped as the Law requires, any Person or Persons who under any Colour or Pretence whatsoever shall issue any unstamped Promissory Note or Bill of Exchange, unless such Person or Persons shall be duly licensed to issue such Note or Bill under the Provisions of this Act; and such Note or Bill shall be

drawn and issued in strict Accordance with the Regulations and Restrictions herein contained.

Recovery of Penalties.

XIV. And be it further enacted, That all pecuniary Forfeitures and Penalties which may be incurred under any of the Provisions of this Act shall be recovered for the Use of His Majesty, His Heirs and Successors, in His Majesty's Court of Exchequer at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majesty's Attorney or Solicitor General in *England*.

Not to affect the Privileges of the Bank of England.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, or affect any of the Rights, Powers, or Privileges of the Governor and Company of the Bank of *England*.

Where any Bankers taking out Licences under this Act shall have Stamps in their Possession which will become useless, the Commissioners may cancel such Stamps, and make Allowance for the same.

XVI. And whereas it may happen that Bankers who may be desirous to issue unstamped Promissory Notes payable to Bearer on Demand, under the Provisions of this Act, may have provided themselves with Stamps for such Notes, which may not have been issued, and which may by this Act be rendered useless or unnecessary, and it is expedient to enable the Commissioners of Stamps to cancel and allow such Stamps in manner herein-after mentioned; be it therefore enacted, That where any Banker or Bankers, who shall take out a Licence under the Authority of this Act, shall have in his or their Possession Stamps for re-issuable Promissory Notes payable to the Bearer on Demand, which shall be rendered useless or unnecessary in consequence of such Banker or Bankers electing to issue such Notes on unstamped Paper under the Provisions of this Act, it shall be lawful for the said Commissioners of Stamps, and they are hereby authorized and empowered to cancel and allow such Stamps so as aforesaid rendered useless or unnecessary, and to repay the Amount or Value thereof in Money, deducting therefrom the Sum of One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum than One hundred Pounds of such Amount or Value; provided Proof be made by Affidavit or Affirmation, to the Satisfaction of the said Commissioners, that such Stamps have not been issued; and provided Application be made for such Allowance within Six Calendar Months next after the passing of this Act.

Act may be altered.

XVII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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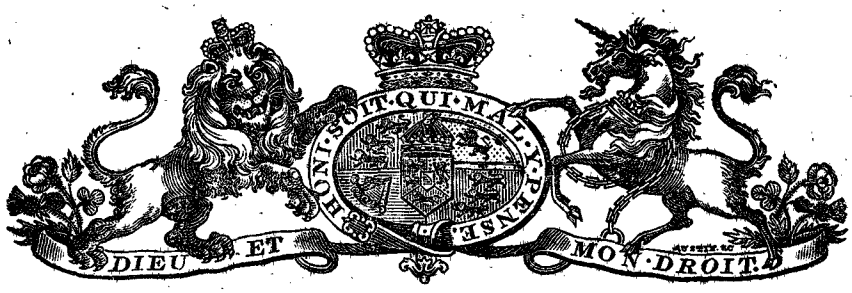

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXIV.

An Act to repeal certain Acts, and to consolidate and amend the Laws relating to Bills of Exchange and Promissory Notes in *Ireland*.

[19th *June* 1828.]

WHEREAS it is expedient that the Acts relating to Bills of Exchange and Promissory Notes in *Ireland* should be consolidated and amended, so that the Law in relation thereto may be assimilated to that of *England*; and also that the Fees payable to Notaries Public in *Ireland*, for noting and protesting such Bills and Notes, should be regulated and defined: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Parliament of *Ireland* in the Eighth Year of the Reign of Queen *Anne*, intituled *An Act for the better Payment of Inland Bills of Exchange, and making Promissory Notes more obligatory*; and also an Act passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of King *George* the Third, to explain and amend the said Act of the Eighth Year of the Reign of Queen *Anne*; and also an Act passed in the Parliament of the United Kingdom in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate Acceptance of Bills of*

After 1st Sept. 1828, the Irish Acts 8 Anne and 26 G. 3. relating to Promissory Notes, and so much of 1 & 2 G. 4. c. 78. and 7 & 8 G. 4. c. 15. (U. K.) as relate to

Promissory Notes in Ireland, repealed.

of Exchange; and also an Act passed in the Parliament of the United Kingdom in the Seventh and Eighth Years of His present Majesty's Reign, intituled *An Act for declaring the Law in relation to Bills of Exchange and Promissory Notes becoming payable on* Good Friday *or* Christmas Day, so far as the said Two last-mentioned Acts or either of them relate to or are in force in *Ireland*, shall, from and after the First Day of *September* One thousand eight hundred and twenty-eight, be and the same are hereby repealed; except so far as any of the said Acts may repeal any former Act or Acts, and except as to Actions or Suits heretofore commenced and prosecuted upon any of the said so hereby repealed Acts respectively.

Promissory Notes may be assignable as Bills of Exchange.

II. And be it enacted, That when any Note in Writing commonly called a Promissory Note shall at any Time after the said First Day of *September* One thousand eight hundred and twenty-eight be made and signed by any Person or Persons, Banker or Bankers, Goldsmith or Goldsmiths, Merchant or Merchants, Trader or Traders, or by any Clerk, Servant, or Agent usually intrusted by him, her, or them to sign such Promissory Notes for him, her, or them, whereby the Maker or Makers of such Note doth or do or shall promise to pay any Sum of Money mentioned therein to any other Person or Persons, his, her, or their Order, or unto Bearer, such Note shall be taken and construed to be, by virtue thereof, due and payable to the Person or Persons to whom the same is made payable, or to the Bearer thereof respectively; and every such Note payable to any Person or Persons, or to his, her, or their Order, shall be assignable or indorsable over in the same Manner as Inland Bills of Exchange are or may be according to the Custom of Merchants; and the Person or Persons to whom such Sum of Money is or shall by any such Note or Indorsement be made payable, or to whom such Note shall be indorsed or assigned, or shall be payable, shall and may maintain an Action for the same, in such Manner as he, she, or they might do upon any Inland Bill of Exchange made or drawn according to the Custom of Merchants, either against the Person or Persons by whom or by whose Servant or Agent as aforesaid the same was signed, or against any of the Persons having indorsed such assignable or indorsable Note, in like Manner as in Cases of Inland Bills of Exchange; and in every such Action the Plaintiff or Plaintiffs shall recover his, her, or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be nonsuited, or a Verdict shall be given against him, her, or them, the Defendant or Defendants shall recover his, her, or their Costs against the Plaintiff or Plaintiffs; and every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may sue out Execution for such Damages and Costs by Capias, Fieri facias, or Elegit.

And the Persons to whom they are assigned may maintain Actions for the same.

Actions to be brought within the Time limited by the Statute of Limitations.

III. And be it further enacted, That every such Action shall be commenced, sued, and brought within such Time as is appointed for commencing or suing Actions upon the Case, by an Act made in the Parliament of *Ireland* in the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for Limitations of Actions, and for avoiding of Suits in Law.*

Dishonoured Bills above the Value of 5*l.* may be protested.

IV. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in all Cases where any Inland Bill of Exchange or Promissory Note for the Sum of Five Pounds and upwards respectively shall be dishonoured by Non-acceptance of such Bill, or Nonpayment of such Bill or Note, it shall be lawful for the Holder or Holders of such Bill or Note to cause the same to be protested for such Non-acceptance or Nonpayment, as the Case may be, by a Notary Public, and in default of such Notary Public, by any other substantial Person of the City, Town, or Place where such Bill or Note shall be so dishonoured, in the Presence of Two or more credible Witnesses; which Protest shall be made and written under a fair written Copy of such Bill or Note, in the Form or to the Effect following:

Form of Protest.

'KNOW all Men, That I *A. B.* on the Day of
' have demanded from the above-named Payment of the Bill or
' Note [*or* Acceptance of the Bill] of which the above is a Copy,
' which the said did not pay, [*or*
' accept]: Wherefore I the said do hereby
' protest the said Bill [*or* Note]. Dated at this
' Day of

Notice of Protest to be given.

Which Protest so made as aforesaid shall be sent, or otherwise due Notice of such Dishonour shall be given, by or on behalf of the Party holding or protesting such Bill or Note, to the Party from whom such Bill or Note was received, and whom it is sought to make chargeable therewith, and such Party shall thereupon pay the said Bill or Note, together with all Interest and Charges from the Day when such Bill or Note was protested; and there shall be paid to the Notary or other Person protesting any such Bill or Note, a Sum of Two Shillings and Sixpence for any Bill or Note not amounting to Twenty Pounds, and a Sum of Four Shillings for any Bill or Note amounting to Twenty Pounds and upwards, over and above all Stamp Duty upon such Protest, and also of the Fee of One Shilling, herein-after provided, for registering and copying such Bill; and in case such Protest shall be made and sent, or such due Notice of the Dishonour of such Bill or Note shall be given as aforesaid, to any Person liable to the Payment thereof by reason of such Dishonour, the Person so receiving such Protest or Notice, and failing or neglecting to pay the Amount of such Bill or Note so protested or dishonoured, together with the Costs of such Protest, shall be liable to all Costs, Damages, and Interest which may and shall accrue thereby.

Expences of Protest.

When a Bill or Note is lost, the Drawer to give another, on certain Conditions.

V. And be it further enacted, That in case it shall happen that any Bill or Note shall be lost or miscarried before the same shall have been presented for Acceptance, or within the Time limited for Payment of the same, then the Drawer of such Bill, or the Maker of such Note, shall be obliged to give another Bill or Note of the same Tenor with the Bill or Note first given, the Person or Persons to whom the same shall be so delivered giving Security, if demanded, to the said Drawer or Maker, to indemnify him against all Persons whomsoever, in case the Bill or Note so alleged to be lost or miscarried shall be found again.

VI. And

Bills accepted in satisfaction of any former Debt, to be deemed a full Payment.

VI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, if any Person doth or shall receive any such Bill or Note, for and in satisfaction of any former Debt, or of any Sum of Money formerly due unto such Person, the same shall be accounted and esteemed, at Law and in Equity, a full and complete Payment of such Debt, if such Person so receiving any such Bill or Note for his Debt shall not use due Diligence to obtain Payment thereof by endeavouring to get such Bill accepted and paid, or such Note paid, and also make his Protest as aforesaid, either for Non-acceptance or Nonpayment thereof, or otherwise give due Notice of the Dishonour thereof as aforesaid; provided that nothing herein contained shall extend to satisfy or discharge any other and different Security or Remedy that any Person using such due Diligence as aforesaid may have for the same Debt against the Drawer, Acceptor, or Indorser of such Bill, or the Maker or Indorser of such Note.

What shall be deemed a general, and what a qualified Acceptance.

VII. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, if any Person shall accept a Bill of Exchange payable at the House of a Banker or other Person, without further Expression in his Acceptance, such Acceptance shall be deemed and taken to be, to all Intents and Purposes, a general Acceptance of such Bill; but if the Acceptor shall in his Acceptance express that he accepts the Bill payable at the House of a Banker, or of any other Person only, or not otherwise or elsewhere, such Acceptance shall be deemed and taken to be, to all Intents and Purposes whatsoever, a qualified Acceptance of such Bill, and the Acceptor shall not be liable to pay such Bill, except in default of Payment when such Payment shall have been duly demanded at the Time when such Bill shall have become payable, and at the House of such Banker, or other Place where such Bill shall have been made payable.

No Acceptance of any Inland Bill of Exchange to be good, unless made in Writing on the same.

VIII. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, no Acceptance of any Inland Bill of Exchange shall be sufficient to charge any Person or Persons, unless such Acceptance shall have been made in Writing upon such Bill, or if there be more than One such Bill of the same Tenor and Date, then on One of the said Bills.

Bills falling due on Good Friday, Christmas Day, and Days of Fast, to be payable on the Day before.

IX. And whereas the Bank of *Ireland*, and Banks in general, and other Persons in *Ireland*, are often under the Necessity of transacting Business on *Good Friday*, *Christmas Day*, and Days appointed by His Majesty's Proclamation for solemn Fasts or Days of Thanksgiving, for the Purpose of receiving Money for Foreign and Inland Bills of Exchange and Promissory Notes becoming payable on those Days respectively, in consequence whereof many Persons are prevented observing the same with due Solemnity: And whereas Doubts have existed in *Ireland*, whether Foreign and Inland Bills of Exchange and Promissory Notes falling due on any *Sunday* are properly payable on the *Saturday* next before such *Sunday*, or on the *Monday* next after such *Sunday*: Now therefore, for the better Observance of

Good

Good Friday and *Christmas Day*, and such Days of Fast and Thanksgiving as aforesaid, and also for the removing such Doubts as aforesaid, and assimilating the Law of *Ireland* to that of *England* in such respects, be it enacted, That in all Cases where any such Bill of Exchange or Promissory Note in *Ireland* shall fall due on any *Sunday*, or on any *Good Friday*, or on any *Christmas Day*, or on any such Day of Fast or Day of Thanksgiving, the same shall be payable on the Day next preceding such *Sunday* or such *Good Friday*, or on the Day (not being a *Sunday*) next preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that in case of Nonpayment of such Bill of Exchange or Promissory Note, the same may be noted and protested on such preceding Day as if the same were payable on such Day; and that whenever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, every such Bill of Exchange or Promissory Note, which would be payable on such *Christmas Day* or Day of Fast or Day of Thanksgiving, shall be payable on the *Saturday* preceding such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively, and in case of Nonpayment, being first duly demanded, may be noted and protested for Payment on such preceding *Saturday*.

In such Cases Notice of the Dishonour thereof not necessary to be given until the Day next after such Good Friday, &c.

X. And be it further enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in Cases of Bills of Exchange and Promissory Notes falling due on any *Sunday*, *Good Friday*, or any *Christmas Day*, or on any Day of Fast or Day of Thanksgiving as aforesaid, as well as in the Cases of Foreign or Inland Bills of Exchange and Promissory Notes falling due in *Ireland* on the Day preceding any *Sunday*, or any *Good Friday*, or any *Christmas Day*, or any such Day of Fast or Day of Thanksgiving, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the Day next after such *Sunday*, or *Good Friday*, or *Christmas Day*, or Day of Fast or Day of Thanksgiving; and in case such *Christmas Day*, shall fall, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Saturday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange or Promissory Notes to give Notice of the Dishonour thereof until the *Monday* next after such *Christmas Day* or Day of Fast or Thanksgiving; and that whensoever such *Christmas Day* shall fall on, or such Day of Fast or Day of Thanksgiving shall be appointed on a *Monday*, it shall not be necessary for the Holder or Holders of such Bills of Exchange and Promissory Notes, as shall either, by virtue of this Act or otherwise, be payable on the preceding *Saturday*, to give Notice of the Dishonour thereof until the *Tuesday* next after such *Christmas Day* or Day of Fast or Day of Thanksgiving respectively; and that every such Notice so given as aforesaid shall be valid and effectual to all Intents and Purposes.

Good Friday, &c. for the Purposes of this Act, to be considered the same as Sunday.

XI. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, *Good Friday* and *Christmas Day*, and every such Day of Fast and Thanksgiving so appointed by His Majesty, is and shall, for all other Purposes whatsoever as regards Bills of Exchange and Promissory Notes,

Notes, be treated and considered in *Ireland* as the Lord's Day commonly called *Sunday*.

Notaries Public need not attend to accept Bills after Nine o'Clock in the Evening.

XII. And whereas it is the Usage and Custom in *Ireland* for Bankers and Banking Companies, and Merchants and other Persons having Offices of Business, to attend therein daily until the Hour of Six of the Clock in the Afternoon, for the Purpose of receiving Payment (should the same be offered) of such Foreign or Inland Bills of Exchange or Promissory Notes whereof they are the Holders, as had been presented for Payment at some earlier Hour of the Day upon which the same became payable, and which had not then been paid upon such Presentment; and in such Cases the Holder of such Bills of Exchange and Promissory Notes, when such Bills of Exchange and Promissory Notes are not paid at or before the said Hour of Six of the Clock on the said Day of Payment, have been used to send the same to a Notary Public, in order that the same may be by him again presented for Payment, and in case of Nonpayment noted for Protest: And whereas Doubts have existed whether the Acceptors of Bills of Exchange, and the Makers of Promissory Notes, have not by Law till the last Instant of the Day upon which the same respectively may become due to pay the same; and by reason of such Doubts Notaries Public in *Ireland* have been required, at late and unseasonable Hours of the Night, to receive Payment of such Bills or Notes as may at some previous Hour of the same Day have been presented for Payment as aforesaid: And whereas it is expedient that such Doubts should be removed, and that the said inconvenient Practice occasioned thereby should be discontinued; be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, in any Case where any Notary Public in *Ireland* shall present any Bill of Exchange, whether Foreign or Inland, or Promissory Note, for Payment thereof as aforesaid, and Payment of the same shall not be made at or before the Hour of Nine of the Clock in the Afternoon of the Day of such Presentment, it shall not be necessary for such Notary Public, or any Person for him at his House or Office, to be in attendance after such Hour of Nine of the Clock, in order to receive Payment of the same; but every such Bill or Note as aforesaid, whereof Payment shall not be made, or duly and legally tendered, at or before such Hour of Nine of the Clock, shall be considered to be and shall be dishonoured to all Intents and Purposes, and thereupon such Notary Public shall and may note or protest the same for Nonpayment; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Notaries Public, upon receiving Bills, to enter and register the same in a Book, to be open to Inspection.

XIII. And whereas it would be productive of great Benefit to the Holders of Foreign and Inland Bills of Exchange and Promissory Notes, to cause the same to be presented by a Notary Public, and (if necessary) noted for Non-acceptance or Nonpayment, either with a view to a future Protest or otherwise, or whether such Bills or Notes may have been previously presented for Acceptance or Payment by such Holders thereof, or otherwise; and also that such Notary shall fairly and truly register and copy such Bill of Exchange or Promissory Note as he may so present; and it is therefore expedient to regulate the Charges which such Notary Public may lawfully make,

in relation to such noting, presentment, registering, and copying; be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, whenever any Bill of Exchange or Promissory Note shall be sent or delivered to any Notary Public in *Ireland*, for any of the Purposes aforesaid, the same shall be by him forthwith registered and copied in a Book to be kept by him for that Purpose; and for which registering and copying he shall be entitled and is hereby authorized to make a Charge of One Shilling, whether such Bill shall be afterwards noted or protested or not; and such Notary shall be further entitled to make an additional Charge of One Shilling and Sixpence for presenting or causing to be presented any such Bill or Note for Payment or Acceptance (as the Case may be); and such Notary shall be further entitled to make an additional Charge of One Shilling and Sixpence for noting every such Bill or Note, when the same shall be dishonoured for Non-acceptance or Nonpayment, as the Case may be; provided the Place where such Presentment shall be made shall be within the Limits or within the Bounds of any City or Town in *Ireland*; provided always, that every such Charge as such Notary Public shall be so entitled to make as aforesaid shall in all Cases be paid and payable to such Notary by the Holder or Holders of such Bills or Notes; and every such Holder shall be entitled and is hereby authorized to recover over, from the Acceptor of any such Bill of Exchange, or Maker of any such Promissory Note, or other Party or Parties liable to such Holder upon such Bill or Note, the full Amount of such Notary's Charge as aforesaid, for registering and copying the same in his Books as aforesaid, in case such Bill or Note shall, previously to its being sent or delivered to such Notary for the Purpose aforesaid, have been duly presented for Acceptance or Payment, and if same be payable, shall not have been paid, or the Amount thereof duly and legally tendered, or in case the same, though it may not have been so previously presented and dishonoured, shall not, upon being duly presented by such Notary, be duly honoured by Acceptance or Payment thereof, as the Case may be; and every such Holder shall be further entitled and is hereby authorized to recover over, from such Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, being liable thereon to such Holder as aforesaid, the full Amount of such Notary's said Charge for presenting or noting the same, in case the same shall not, upon being so duly presented by such Notary as aforesaid, be duly honoured by Acceptance or Payment thereof, as the Case may be: Provided also, that such Holder shall be entitled and is hereby authorized to recover over, in like Manner, from such Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, as last aforesaid, the full Amount of such Notary's Charge for presenting the same, in case (notwithstanding such Acceptance or Payment thereof, upon such Presentment by such Notary as aforesaid) the same had been previously thereto duly presented to such Acceptor or Maker for Acceptance or Payment thereof, and such Acceptance or Payment had not been made: Provided also, that in all Cases where the Holder of such Bill or Note shall be entitled, under the aforesaid Provisions of this Act, to recover from the Acceptor or Maker of such Bill or Note, or other Party or Parties thereto, such Notary's Charge for regitesring and copying in his Books,

Charges for registering, &c.

Holders of Bills may recover the Amount of such Charges from the Acceptors.

Notary may demand the Amount of Charges from the Acceptor or Maker of the Bill, and

if not paid may refuse to receive Payment of the Bill.

Books, or presenting the same for Payment, or noting the same as aforesaid, it shall be lawful for such Notary, at the Time of presenting such Bill or Note for the Payment thereof, to demand from the Acceptor or Maker thereof, or the Person paying the same, the full Amount of such Charge or Charges, over and above the Sum specified in such Bill or Note; and in case such Acceptor or Maker shall, on such Demand, refuse to pay such Notary the full Amount of such Charge or Charges, it shall and may be lawful for such Notary to refuse to receive Payment of the Sum specified in such Bill or Note, or the Acceptance of such Bill, notwithstanding that the same may be tendered; but every such Bill or Note shall, by reason of such Refusal to pay such Charge or Charges as aforesaid, be deemed to be and shall be dishonoured, to all Intents and Purposes whatsoever.

Sums allowed for protesting Bills.

XIV. And be it further enacted, That from and after the said First Day of *September* One thousand eight hundred and twenty-eight, every such Notary Public, or other Person as aforesaid, shall be entitled to a Sum of Four Shillings for protesting any Foreign Bill of Exchange, over and above all Stamp Duty payable upon such Protest, and also over and besides the Sum of One Shilling for registering and copying such Bill, as herein-before provided.

Notaries practising in Dublin to keep a Public Office.

XV. And be it enacted, That all Public Notaries practising in the City of *Dublin* shall keep a Public Office in some known and convenient Street or Place in the said City, on which the Name of such Notary and his Profession shall be set forth in legible Characters; and that the said Notaries shall keep their Offices open from Six of the Clock in the Afternoon until Nine of the Clock in the Evening of every Day, (*Sunday*, *Good Friday*, *Christmas Day*, and Days of Fast and Days of Thanksgiving as aforesaid excepted).

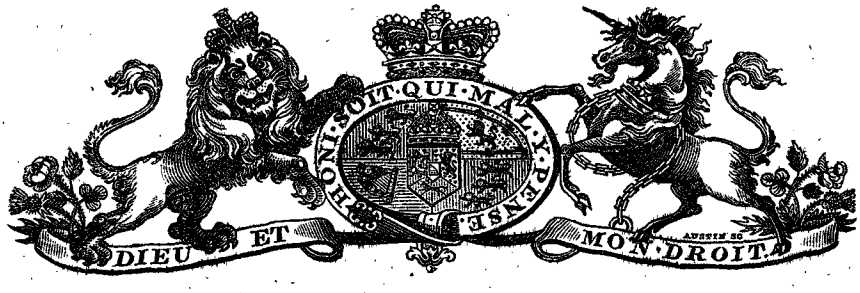
Limits of Dublin for the Purposes of this Act.

XVI. And it is hereby further declared and enacted, That all Places within the City or County of *Dublin* over which the Jurisdiction of the Commissioners for paving, cleansing, and lighting the City of *Dublin*, commonly called the Paving Board, extends, pursuant to an Act passed in the Forty-seventh Year of His late Majesty *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, shall be deemed and taken to be for the Purposes of this Act within the Bounds or Limits of the said City of *Dublin*.

Act not to repeal former Acts, except so far as is provided.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to repeal or alter the Provisions of any Act relating to Bills of Exchange or Promissory Notes now in force in *Ireland*, saving so far as the same are repealed or altered by the express Provisions of this Act.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. XXV.

An Act to authorize the Appointment of Persons to act as Solicitors on behalf of His Majesty in any Court or Jurisdiction in Revenue Matters.

[19th *June* 1828.]

WHEREAS it has been found greatly conducive to the Public Interest that Persons specially appointed by the Commissioners of the Treasury, or by the several Commissioners of His Majesty's Revenue, to be Solicitors or Attornies on behalf of His Majesty, should act and practise as such Solicitors or Attornies without being admitted and enrolled as Solicitors or Attornies, and without being subject, by reason of such acting or practising, to any of the Regulations in force in any Part of the United Kingdom relating to Solicitors or Attornies: Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Person has been or is or shall be appointed to be Solicitor or Attorney on behalf of His Majesty, under the Orders and Directions of the Commissioners of the Treasury, Customs, Excise, or Stamps, or under the Orders and Directions of any Commissioners or other Persons or Person having the Management of any other Branch of His Majesty's Revenue, for the Time being, it is and shall and may be lawful for such Person to act and practise as such Solicitor or Attorney under such Orders and Directions in all and every Court and Courts, Jurisdiction and Jurisdictions, Place and Places, in any and every Part of the United Kingdom; any thing in any Act of Parliament, or in any Order or Rule of any Court

Persons appointed to be Solicitors or Attornies on behalf of His Majesty, under the Orders of the Treasury, &c. may act in all Courts or Jurisdictions in the United Kingdom.

Court of Justice, or any Law, Usage, or Custom in force in any Part of the United Kingdom relating to Solicitors or Attornies, or to the Admission or Practice of such Solicitors or Attornies, to the contrary in anywise notwithstanding.

Persons who shall have acted as such indemnified; and Proceedings against them to be stayed.

II. And be it further enacted, That every Person who shall or may have acted as such Solicitor or Attorney under or in pursuance of or in obedience to any such Appointment, Orders, and Directions as aforesaid, shall be and is hereby respectively indemnified for and on account of the same, and of any Act or Thing done in pursuance of or in obedience to or in conformity with such Appointment, Orders, and Directions; and if any Action, Suit, Prosecution, or Proceeding hath been or shall be commenced against any Person, for or in respect of any Act, Matter, or Thing done under such Appointment, Orders, or Directions as aforesaid, it shall be lawful for the Defendant or Defender in any such Action, Suit, Prosecution, or Proceeding, in or before whatever Court the same may be commenced or had, to apply to such Court by Motion in a summary Way to stay all Proceedings whatever against such Defendant or Defender, and such Court is hereby required to make Order for that Purpose accordingly.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XXVI.

An Act to regulate the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland*. [19th *June* 1828.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to abolish certain Offices, and to regulate others, in* Scotland, it is enacted, that from and after and upon the Termination respectively of the then existing Interests in certain Offices therein mentioned, *videlicet*, the Office of Auditor of the Exchequer in *Scotland*, the Office of King's Remembrancer in Exchequer in *Scotland*, the Office of Lord Treasurer's Remembrancer in Exchequer in *Scotland*, the Office of Presenter of Signatures in Exchequer in *Scotland*, the Office of Keeper of the General Register of Seizins in *Scotland*, the Office of Clerk to the Admission of Notaries in *Scotland*, the Office of Director of the Chancery in *Scotland*, the Office of Clerk of the Chancery in *Scotland*, and the Office of the Clerk of the Court of Admiralty in *Scotland*, and so soon as the said Offices, or any or either of them respectively, should become vacant, the Duties thereof should be discharged by the Officer appointed to hold the same in Person; and from Time to Time as any of the said respective Offices should become vacant, it should be lawful for the Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, for the Time being, and they were thereby authorized and required to regulate the Duties and Establishments of the said Offices respectively, as they respectively become vacant, so as that the several Duties to be discharged therein respectively should be performed in Person; and thereupon 57 G. 3. c. 64.

thereupon and thereafter such and such Number of fit and proper Persons should be appointed, or should be authorized and directed to be appointed, as might be sufficient and necessary to perform and execute the Duties to be done, performed, and executed in the said Offices respectively, as the said Commissioners should deem fit, with such Salaries and Allowances as should be ordered and appointed by the said Lord High Treasurer or Commissioners of the Treasury in that Behalf, Regard being had in every such Case to the Nature and Extent of the Duties to be performed, and to the Responsibility which might attach or belong to the several or respective Offices or Persons executing the Duties of said Offices respectively; and all such Regulations, Appointments, Salaries, and Allowances, when so made and established, should become and be in full Force and Effect in relation to the said Offices respectively, any thing contained in any Act or Acts of Parliament, or any Law or Laws, or Usage, Custom, or Practice to the contrary notwithstanding; provided always, that any Fees then charged or chargeable for or in respect of any of the said Offices, or received or receivable, according to Law, in any of the said Offices respectively, should continue to be received, and the same should be applied in Payment of the Salary or Salaries, Allowance or Allowances, authorized by the said recited Act to be granted or made in each of the said Offices in which such Fees should be received; and if any Balance of such Fees should remain, after paying and satisfying such Salaries or Allowances respectively, the same should be paid at least once in Three Months to the Receiver General of *Scotland*, and should by him be paid and accounted for in the same Manner with any Public Monies received and accounted for by him: And whereas the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland* is now vacant, and it is expedient that this Office should be regulated, and that the whole Provisions of the said recited Act herein set forth should extend and apply to the said Office; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Provisions of the said recited Act herein set forth shall all of them extend and be held to apply to, and shall apply to, the Office of Keeper of the General Register of Hornings and Inhibitions in *Scotland*.

Certain Powers of recited Act to extend to the Office of Register of Hornings and Inhibitions.

II. And it is hereby declared and enacted, That all Matters and Things relative to the Regulation of the said Office, the Discharge of its Duties in Person, its Establishment, Allowances, Payment of Fees, and the Application thereof, shall all of them be judged of, fixed, and determined in the same Manner in all respects as if the said Office of Keeper of the General Register of Hornings and Inhibitions had been included in the said recited Act along with the other Offices enumerated in the Provision thereof herein set forth.

Office to be under the same Regulations as if it had been included in the recited Act.

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ANNO NONO

GEORGII IV. REGIS.

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C A P. XXVII.

An Act to repeal the Allowances made to Stationers on the Purchase of Stamps for Receipts at the Head Office in *London*, and to grant an Allowance to Persons purchasing such Stamps to a certain Amount of the Commissioners of Stamps or of the Distributors of Stamps in *Great Britain*. [19th *June* 1828.]

WHEREAS by an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal the several Stamp Duties under* 44 G.3. c. 98. *the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in* Great Britain, *and to grant new and additional Duties in lieu thereof,* certain Allowances, set forth in the Schedule marked (C.) to the said Act annexed, are directed to be made, and amongst others to every Person who at one and the same Time should produce at the Head Office for Stamps in *London* to be stamped, or shall buy of the Commissioners of the Stamp Duties, Vellum, Parchment, or Paper, charged with any Stamp Duty to the Amount in the Whole of Thirty Pounds or upwards, an Allowance after the Rate of One Pound Ten Shillings for every One hundred Pounds, and to Stationers who shall purchase Stamps for Receipts to the Amount at one and the same Time of Ten Pounds, on the Terms in the said Schedule mentioned, an Allowance after the Rate of Seven Pounds Ten Shillings for every One hundred Pounds, over and above the usual

usual Allowance on the present Payment of Stamp Duties to the Amount of Thirty Pounds and upwards: And whereas it is expedient to repeal the said Allowance of One Pound Ten Shillings *per Centum*, so far as the same relates to the Stamp Duty on Receipts, and also to repeal the said Allowance of Seven Pounds Ten Shillings *per Centum* by the said Act directed to be made to Stationers on the Purchase of Stamps for Receipts; and in order to encourage and promote the Purchase and Distribution of Stamps for Receipts in Places remote from the Head Office for Stamps, it is also expedient that in lieu of the said Allowances so to be repealed a liberal Allowance should be made to all Persons who shall at one and the same Time purchase Stamps for Receipts, to the Amount hereinafter mentioned, of the Commissioners of Stamps, or of any Distributor or Sub-distributor of Stamps in any Part of *Great Britain*, and that the said Commissioners should be authorized and directed to issue Stamps for Receipts upon Paper provided by them, without making any Charge upon the Persons to whom such Stamps shall be issued for the Paper upon which the same shall be impressed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight the said Allowance of One Pound Ten Shillings *per Centum* granted by the said recited Act, so far as the same relates to the Duty upon Receipts, and also the said Allowance of Seven Pounds Ten Shillings *per Centum* by the said Act directed to be made to Stationers on the Purchase of Stamps for Receipts, shall be and the same are hereby respectively repealed; and in lieu of the said Allowances hereby repealed, and of all other Allowances on the Purchase of Stamps for Receipts, there shall be made to every Person who at one and the same Time shall buy of the Commissioners of Stamps, at their Head Office for Stamps in *London*, Stamps for Receipts to the Amount of Five Pounds or upwards, or who at one and the same Time shall buy of any Distributor or Sub-distributor of Stamps in any other Part of *Great Britain*, not being within the Distance of Ten Miles from the said Head Office, Stamps for Receipts to the Amount of One Pound or upwards, an Allowance of the Sum of Seven Pounds Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum than One hundred Pounds of such Stamps so purchased, not under Five Pounds or One Pound respectively: Provided always, that no Allowance shall be made for any fractional Part of the Sum of One Pound.

From the 5th July 1828, the Allowances granted by the recited Act on the Purchase of Stamps for Receipts, repealed.

New Allowance to be made in lieu thereof.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners of Stamps, and they are hereby authorized and required, to issue Stamps for Receipts upon Paper provided by them, without making any Charge upon the Person or Persons to whom such Stamps shall be issued for the Paper upon which the same shall be impressed.

Commissioners to issue Stamps for Receipts without any Charge for Paper.

III. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners of Stamps, and they are hereby

Commissioners authorized to grant

nereby authorized and empowered, in such Cases as they shall think proper, to grant to any Person who shall at one and the same Time produce, at the Head Office for Stamps in *London*, Paper or Parchment to be stamped for Receipts to the Amount of Five Pounds or upwards, on which any Special Form shall be printed, such Form being applicable solely to the Business of any One Person or Firm, the said Allowance of Seven Pounds Ten Shillings for every One hundred Pounds of the Amount of the Duty on such Stamps for Receipts, and so in proportion for any greater or less Sum than One hundred Pounds.

the Allowance on stamping Special Forms of Receipts.

IV. And whereas it is highly improper that any Vendor of Stamps for Receipts should, upon the Sale thereof, make any Charge for the Paper upon which such Stamps are impressed, seeing that such Paper is by this Act directed to be supplied *gratis* by the Commissioners of Stamps; be it further enacted, That if any Person or Persons, upon the Sale of any Stamp or Stamps for a Receipt or Receipts, shall make any Charge to the Purchaser of such Stamp or Stamps for the Paper whereon the same shall be impressed, or shall, under any Colour or Pretence whatever, demand or receive a greater Price or Sum than the Amount of the Stamp Duty denoted by such Stamp or Stamps, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, to be sued for and recovered, levied and applied, in such and the same Manner as any Penalties under any other Act or Acts relating to Stamp Duties may be sued for, recovered, levied, and applied.

Penalty on Vendors of Receipt Stamps charging for the Paper, 10*l*.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from making any Charge for any bound Book containing Stamps for Receipts, or for any Folio Sheet of Paper containing not more than One Stamp, or for any Skin or Piece of Vellum or Parchment whereon any such Stamp or Stamps may be impressed, nor to inflict any Penalty or Penalties by reason of the making of any such Charge as aforesaid.

Not to prevent any Charge for Books of Receipt Stamps, or for Vellum or Parchment.

VI. And whereas many Tradesmen, Shopkeepers, and other Persons have, through Ignorance of the Law or Inadvertence, written Receipts upon Paper not duly stamped as the Law requires, whereby they have unwittingly incurred divers pecuniary Penalties; and it is expedient to relieve all Persons from such pecuniary Penalties as have been so incurred before the passing of this Act; be it therefore further enacted, That all and every Person and Persons who may have written or signed, or caused to be written or signed, upon Vellum, Parchment, or Paper not duly stamped as the Law requires, any Receipt, Discharge, or Acquittance, for or upon the Payment of Money, shall be and is and are hereby relieved and indemnified from and against all pecuniary Forfeitures and Penalties incurred by reason of any such Offence as aforesaid committed at any Time or Times before the passing of this Act; and that all Actions, Informations, Prosecutions, and Proceedings whatsoever, which have been commenced, filed, or prosecuted, and are now pending, or which shall or may hereafter be commenced, filed, or prosecuted, against any

Persons relieved from all pecuniary Penalties incurred by giving unstamped Receipts prior to the passing of this Act.

any Person or Persons, for the Recovery of any such pecuniary Forfeiture or Penalty as aforesaid incurred before the passing of this Act, shall be and the same are hereby discharged and made void.

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ANNO NONO

GEORGII IV. REGIS.

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C A P. XXVIII.

An Act to enlarge the Powers granted to His Majesty under an Act passed in the Fifty-seventh Year of His late Majesty, to enable His Majesty to recompense the Service of Persons holding, or who have held, certain high and efficient Civil Offices.

[19th *June* 1828.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to enable His Majesty to recompense the Service of Persons holding, or who have held, certain high and efficient Civil Offices*, with a View to enable His Majesty to recompense the meritorious Services of Persons who may fill high effective Civil Offices, it is among other Things enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, to grant to any Person who shall have served His Majesty, for any Period not less than Two Years in the whole, as First Lord of the Treasury, One of His Majesty's Principal Secretaries of State, or as Chancellor of the Exchequer, a Pension for Life not exceeding Three thousand Pounds *per Annum*: And whereas His Majesty was further empowered by the said Act to grant one other like Pension, not subject to such Limitations and Restrictions as aforesaid: And whereas His Majesty was pleased by a Warrant under His Royal Sign Manual, bearing Date the Sixth Day of *February* One thousand eight hundred and twenty-three, to grant a Pension of Three thousand Pounds to the Right Honourable *George Canning*, who had filled the Office of One of His Majesty's Principal Secretaries of State: And whereas the said Right Honourable *George Canning*, having during his Life held

57 G. 3. c. 65.

various high and effective Civil Offices, and having served His Majesty and the Country with the most eminent Talents, and the most distinguished Zeal and Integrity, died on the Eighth Day of *August* One thousand eight hundred and twenty-seven, holding at the Time of his Death the Offices of First Lord of the Treasury and Chancellor of the Exchequer: And whereas the said Right Honourable *George Canning* never received any Payment on account of the said Pension so granted to him by His Majesty in consideration of his Services; and it is therefore just and fitting, under the special Circumstances of this Case, so far to extend the Powers granted to His Majesty under the said Act of the Fifty-seventh Year of the Reign of His late Majesty, as to enable His Majesty to make Provision for the Family of the said Right Honourable *George Canning*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, if He shall so think fit, by Warrant under His Royal Sign Manual, signed and countersigned in the Manner required by the said Act of the Fifty-seventh Year of the Reign of His late Majesty, subject to the Regulations and Provisions of the said Act, to grant to any Persons who may be nominated by His Majesty as Trustees in Trust for the Benefit of the Family of the late Right Honourable *George Canning*, and for the Life of *Charles Canning*, Second Son of the late Right Honourable *George Canning*, one of the said Pensions of Three thousand Pounds *per Annum*, which His Majesty is by the said Act of the Fifty-seventh Year of His late Majesty empowered to grant, and in the Warrant granting the same to make such Provision and Regulations as to the Application of the said Pension by the said Trustees for the Benefit of the said *Charles Canning*, or of his Brother *William Pitt Canning*, or of Viscountess *Canning*, or of all or either of them, as to His Majesty may seem fit.

Empowering His Majesty to make Provision for the Family of the late Rt. Hon. G. Canning, under certain Regulations.

II. Provided always, and be it further enacted, That if His Majesty shall be graciously pleased to grant such Pension accordingly, the Pension so granted to the said Trustees as aforesaid shall be deemed, considered, and counted as one of the Number of Pensions allowed by the said Act of the Fifty-seventh Year of the Reign of His late Majesty; and that so long as the said *Charles Canning* shall live, it shall not be lawful for His Majesty, His Heirs or Successors, to grant more than Five other such Pensions, exclusive of the supernumerary Pension which His Majesty is, under the said Act, empowered to grant; any thing in the said recited Act, or any other Act or Acts, to the contrary notwithstanding.

Limiting the Number of Pensions to be granted under 57 G. 3. c. 65.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XXIX.

An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in *Scotland*. [19th *June* 1828.]

WHEREAS from the great Increase of Criminal Offences in *Scotland* it is expedient that Provision should be made for holding additional Circuit Courts of Justiciary, and that Means should be taken for facilitating Criminal Trials, in *Scotland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the High Court of Justiciary at *Edinburgh*, and the said Court is hereby authorized and required, on or before the Twentieth Day of *November* in every Year, to fix, by Act of Adjournal, a Day for holding a Circuit Court of Justiciary at *Glasgow*, for trying Criminal Causes during the Recess of the Court of Session, in the End of *December* and Beginning of *January* yearly, and to name Two of the Judges of the said High Court to discharge the Duty of the said Circuit Court; and such Circuit Court shall be held at *Glasgow* accordingly, and shall be continued from Day to Day, until the whole Criminal Business to be brought before the Court at that Time is concluded, and no longer:

High Court of Justiciary at Edinburgh yearly to fix a Day for holding a Circuit Court of Justiciary at Glasgow, and name Two Judges to discharge the Duties thereof.

Powers vested in the Judges so named.

Provided always, that the Judges so named, and each of them, shall possess, as they are hereby vested with, all Powers which belong to and can be exercised by any Lord Commissioner of Justiciary in any other Circuit Court.

Other Judges may officiate.

II. And be it enacted, That it shall and may be lawful for any Judge or Judges of the Court of Justiciary to discharge the Duty of the Circuit Court hereby appointed, or of any other Circuit Court, notwithstanding such Judge or Judges may not have been specially named for that Duty.

His Majesty may direct additional Circuit Courts to be held;

III. And be it enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by an Order to be made in His or Their Privy Council, from Time to Time, as Occasion may require, to direct that additional Circuit Courts shall be held in any Towns at which Circuit Courts are in use to be held, and at such Time or Times of the Year as to His Majesty may seem meet; and upon such Order being communicated to the High Court of Justiciary, the said Court shall, and they are hereby required and empowered, by Act of Adjournal, to give all necessary Directions for carrying such Order into Effect.

and may afterwards dispense with the same.

IV. Provided always, and be it enacted, That if, in consequence of the Diminution of Criminal Offences, such Circuit Courts, or any of them, shall be deemed unnecessary, it shall in like Manner be lawful for His Majesty, His Heirs and Successors, by an Order to be made in His or Their Privy Council, from Time to Time to dispense with the holding of the additional Circuit Court at *Glasgow* hereby directed to be held, and with any other Circuit Courts which His Majesty, His Heirs or Successors, by Order made in His or Their Privy Council, may have directed to be held in any Place in *Scotland*.

So much of 8 Anne, c. 16. as relates to Transmission of Presentments of Crimes to the Lord Justice Clerk, repealed.

Crimes may be tried before any Circuit Court.

V. And be it enacted, That so much of an Act passed in the Eighth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for discharging the Attendance of Noblemen, Barons, and Freeholders, upon the Lords of Justiciary in their Circuits in that Part of* Great Britain *called* Scotland, *and for abolishing the Method of exhibiting Criminal Informations by the Porteous Roll*, as relates to Presentments of Crimes to be tried in the Circuit Courts, and the Transmissions of the same, with Writs and Evidence, to the Lord Justice Clerk or his Deputies, shall be and the same is hereby repealed; and it is hereby provided, that hereafter all Crimes may be tried before any Circuit Court of Justiciary by Indictment, in the same Manner as before the High Court of Justiciary at *Edinburgh*.

Instead of a short Copy of Citation being left with the Party, a Notice in the Form of

VI. And be it enacted, That from and after the Twenty-seventh Day of *June* One thousand eight hundred and twenty-eight, instead of a short Copy of Citation being left with a Person accused, every Copy of a Criminal Libel served on such Person shall have marked upon it a Notice, to be subscribed by the Officer of the Law who serves the same, and by One Person who shall witness such Service, in the Form

contained in the Schedule annexed to this Act, and therein designated by the Letter A., which Form of Notice shall be observed in the Service of all Criminal Libels in *Scotland*; and it shall not be necessary for such Officer to subscribe any other Part of such Copy of a Libel. Schedule A. shall be served.

VII. And be it enacted, That it shall be no Objection to such Service, or to the Citation of any Juror or Witness, that the Officer who discharged the Duty was not at the Time possessed of the Warrant of Citation; and it is hereby provided that the Execution of Citation of all Criminal Libels shall be in the Form contained in the Schedule annexed to this Act, and designated by the Letter B., which Execution it shall not be necessary to produce, unless Sentence of Fugitation or of Forfeiture of a Bond of Caution, granted for Appearance to stand Trial, shall be moved for, but without Prejudice to such Execution being exhibited to disprove Objections to Service when stated to the Court; and it shall be no Objection to the Admissibility of the Officer or Witness who served such Libel, to give Evidence respecting such Service, that their Names are not included in the List of Witnesses served on the Accused. Service of Notice or Citation of Criminal Matters.

VIII. And be it enacted, That Copies of Criminal Libels served on Persons accused, and all Notices of Compearance or Attendance, whether left with Parties accused, or Jurors or Witnesses, and all Executions of Citation, may be either printed or in Writing, or partly both. Libels and Notices may be printed or in Writing.

IX. And be it enacted, That when the Charge of Art and Part is set forth in the Outset of a Criminal Libel, it shall not be necessary to repeat that Charge in the latter Part thereof, according to the Form usually observed in the Clause commencing with the Words "at least," and that it shall be competent altogether to omit the said Clause; any Law or Practice to the contrary notwithstanding. Provision in the Case of a Charge of Art and Part.

X. And whereas frivolous Objections and Exceptions are raised to the Form and Mode of citing Witnesses and Jurors, and of setting forth the Executions of such Citations; be it enacted, That it shall not be competent in any Criminal Cause or Prosecution whatsoever for any Prosecutor or Person accused to state any Objection to any Juror or to any Witness, on the Ground of such Juror or Witness appearing without Citation, or without having been duly cited to attend. Witnesses or Persons appearing without Citation not to be objected to.

XI. And be it enacted, That if owing to any Error in the Name or Designation of a Witness, as given in the List served along with the Criminal Libel, a Person accused can make it appear that he has been unable to find out such Witness, or that he has been misled or deceived in his Inquiries concerning such Witness, the same shall be stated to the Court before the Jury is sworn, and the Court shall thereupon give such Remedy as may be just, and no Objection of that Description shall be afterwards received. Objections on account of Error shall be stated to the Court before Jury sworn.

XII. And

If Person pleads Not guilty, the Libel need not be read over.

XII. And be it enacted, That when a Person accused, on being brought to the Bar, shall say that he means to plead Not guilty, and does not desire that the Criminal Libel exhibited against him should be read over, it shall not be necessary to read over such Libel before proceeding to the Trial of such Person.

Affirmation of Quakers to be admitted.

XIII. And be it enacted, That every Quaker who shall be required to give Evidence in any Criminal Cause or Prosecution shall, instead of taking the Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration, in the Words following; *videlicet*, 'I do solemnly, sincerely, and truly declare and affirm;' which Affirmation or Declaration shall be of the same Force and Effect, in all Courts of Justice, as if such Quaker had taken an Oath in the usual Form; and if any Quaker making such Affirmation or Declaration shall be convicted of having affirmed and declared any Matter or Thing in such a Way as if the same had been sworn to in the usual Form it would have amounted to Perjury, every such Offender shall be subject to the same Punishment to which Persons convicted of Perjury are liable; and if any Quaker shall refuse to make such Affirmation and Declaration, or having made the same shall refuse to give Evidence, or shall wilfully conceal the Truth, or be guilty of wilful Prevarication, such Quaker shall be liable to the same Pains of Law which apply to such Offences respectively when an Oath is administered.

When Person indicted pleads Guilty, Jury to be dispensed with.

XIV. And be it enacted, That when, after an Interlocutor of Relevancy shall have been pronounced, a Person indicted before any Criminal Court shall plead Guilty to the Crime or Crimes of which such Person is accused, it shall no longer be necessary to name a Jury for the Purpose of deciding on the Guilt of such Person, but the Court before which such accused Person shall be tried shall, upon such Confession being made, have Power forthwith to pronounce the Sentence of the Law in the same Manner as if a Verdict of Guilty had been returned: Provided always, that such Plea of Guilty shall be made in open Court, and shall then and there be subscribed by the Pannel, or by the Pannel's Procurator, and shall be authenticated by the Signature of the Judge.

Verdict of Jury how to be received.

XV. And be it enacted, That Verdicts in Writing shall be discontinued in all Cases when the Verdict is returned before the Court adjourns; and when on a Trial before the High Court of Justiciary at *Edinburgh*, a Jury shall retire to consider of their Verdict, it shall be sufficient that One Judge shall remain in Court to receive the Verdict, which Judge shall have Power to see the Verdict duly recorded when delivered, and to dismiss the Jury, and to assoilzie the Pannel, if not convicted by such Verdict; but if the Pannel shall be found guilty, or the Terms of the Verdict be such as may appear to require Consideration by the Court, such Judge shall continue the Diet, and commit the Pannel to Prison.

Jurisdiction of the Court.

XVI. And be it enacted, That the cumulative Jurisdiction of the High Court of Justiciary, with that of the High Court of Admiralty, shall

shall extend to all Crimes and Offences whatsoever now competent to be tried in the said Court of Admiralty.

Admiralty and Sheriffs Courts to proceed to Trial without reducing the Evidence to Writing.

XVII. And be it enacted, That it shall and may be lawful for the High Court of Admiralty and for the Court of the Sheriff respectively, to proceed in, try, and determine all Causes and Prosecutions for Crimes before them, where the Trial is by Jury, by Verdict of such Jury, upon examining and hearing the Evidence of the Witness or Witnesses in any such Cause or Prosecution *vivâ voce*, without reducing into Writing the Testimony of any such Witness or Witnesses, in the same Manner and according to the same Rules as are observed in Trials before the Court of Justiciary; and it is hereby provided, that the Judge trying such Causes or Prosecutions shall preserve and duly authenticate the Notes of the Evidence taken by him in such Trial, and shall exhibit the same, or a certified Copy thereof, in case the same should be called for by the Court of Justiciary.

Judges to preserve and authenticate their Notes.

Certain Proceedings not to be taken down in Writing.

XVIII. And be it enacted, That in Trials of Crimes before the Sheriff or other inferior Court in *Scotland*, without a Jury, no Part of the Proceedings, which is not in use to be taken down in Writing in Trials by Jury, shall be so taken down, excepting only the Depositions of Witnesses.

Summary Form of Proceeding in certain Cases.

XIX. And be it enacted, That in the Prosecution of Criminal Offences before Sheriffs of Counties in *Scotland*, where the Prosecutor shall, in his Libel, conclude for a Fine not exceeding Ten Pounds, together with Expences, or for Imprisonment in Gaol or in Bridewell, not exceeding Sixty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Six Months, and under a Penalty not exceeding Twenty Pounds, it shall and may be lawful to proceed to try such Offences in the easiest and most expeditious Manner, without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the Accused pleads Guilty, which shall be made to appear; and the said Record shall also set forth, if the Prosecutor or accused Party desire it, any Offer of Proof made by either of those Parties, and refused to be admitted; and likewise, if so desired, any Objections to the Admissibility of Evidence sustained or repelled by the Court; which Record shall be in the Form contained in the Schedule annexed to this Act, and there designated by the Letter C.

Record to be preserved.

Sheriff to preserve Notes of Evidence.

XX. And be it enacted, That the Sheriff so trying any such Offence shall preserve a Note of the Evidence taken by him on such Trial, and shall exhibit the same, or a certified Copy thereof, in case the same should be called for by the Court of Justiciary.

Warrants of Imprisonment to specify the Period of Discharge.

XXI. And be it enacted, That all Warrants of Imprisonment for Payment of Penalty, or for finding of Caution, shall specify a Period at the Expiry of which the Person sentenced shall be discharged,

discharged, notwithstanding such Penalty shall not have been paid, or Caution found.

Provisions as to the Qualification of Sheriff's Substitute.

XXII. And be it enacted, That the Provisions made by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Sheriff and Stewart and Burgh Courts in* Scotland, relative to the Qualifications of Sheriff Substitutes, shall apply only to such Sheriff Substitutes as receive Salaries out of the Civil List of *Scotland*, and not to such as may act gratuitously; and it is further provided, that every Person who shall be once certified to be duly qualified in Terms of the said Act, and admitted accordingly, may be re-appointed to the Office of Sheriff Substitute without any additional Certificate being necessary; and it is likewise provided, that any Person who held a Commission as a Sheriff Substitute, on account of which he received a Salary at the Date of the passing of the said Act, may be re-appointed a Sheriff Substitute, and thereafter draw his Salary, without any Certificate of Qualification being necessary in his Behalf, such as the said Act requires; and it is hereby provided, that the Sheriff Depute may be addressed by the Title of Sheriff without the Term Depute being added.

Fees.

XXIII. And be it enacted, That no Fees or Expences of any Description shall be exigible by the Clerks or other Officers of a Criminal Court, from any Person on whom a Criminal Libel shall have been served, unless the same shall form Part of the Sentence of the Court; but the Fees exigible from the Prosecutor by such Clerks and Officers shall not be affected by the Provisions of this Act; and on Trials before the Circuit Court of Justiciary by Indictment, where before the passing of this Act the same must have proceeded on Criminal Letters, the same Fees shall be payable by the Prosecutor on such Indictment as if Criminal Letters had been used as heretofore.

Before the closing of any Circuit Court, Returns to be made of Persons committed and remaining in Gaol.

XXIV. And be it enacted, That before any Circuit Court shall be declared ended, the Sheriffs of the Counties included therein shall respectively lay before the Court a Return, showing, to as late a Date as it can be made up, the Names of all such Persons as may stand committed to the several Gaols within their respective Counties on Warrants of Detention, until liberated in due Course of Law, and who have not been brought to Trial before the said Court, and are still remaining in Gaol; which Return shall specify the Crime or Crimes of which such Prisoners are accused, and the Date of such Warrants of Commitment respectively; and the said Court is hereby required to call for such Returns for their Inspection, and to cause the same to be presented in open Court, and thereafter to direct the Clerk of Court to lodge the same in the Justiciary Office at *Edinburgh*, for Preservation.

Records of Commitments and Liberations to be kept.

XXV. And be it enacted, That Records shall be kept in every Gaol in *Scotland*, respecting the Commitment and Liberation of Prisoners committed under Criminal Warrants, according to the Form contained

tained in the Schedule annexed to this Act, and therein designated by the Letter D., which Records the Magistrates of Burghs and Keepers of Gaols are hereby ordered and required accurately to keep; and the Keepers of Gaols in *Scotland* are hereby ordained and required at all Times to exhibit to the Sheriff of the County within which such Gaols may be respectively situated, without Fee or Reward, such Records, when so required.

Provisions of 43 G. 3. c. 141. extended to all inferior Judges.

XXVI. And be it enacted, That the Provisions of an Act made in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to render Justices of the Peace more safe in the Execution of their Duty*, shall extend to all inferior Judges and Magistrates in *Scotland*, in regard to any Sentence pronounced or Proceeding had in any Criminal Trial.

Commencement of Act.

XXVII. And be it enacted, That this Act, and the Matters therein contained, shall commence and take effect from and after the passing of this Act, unless in so far as it is otherwise therein specially provided.

SCHE-

SCHEDULES to which the Act refers.

A.

FORM of NOTICE.

A. B., Take notice, That you will have to compear before the High Court of Justiciary [*or other Court to be specified*], to answer to the Criminal Libel against you, to which this Notice is attached, on the Day of at of the Clock.

This Notice served on the Day of by me

C. D. Macer [*or* other Officer of the Law.]

E. F. Witness.

B.

EXECUTION of CITATION.

A Copy of a Criminal Libel, containing a Charge of Theft [*or whatever the Crime may be*], consisting of Pages, and having annexed to it a List of Witnesses and of Assize [*when the Trial is to be by Jury*], was, on the Day of served by me upon [*J. K.*] by delivering the same to him personally [*or as the Case may be*], on which Copy was marked a Notice of Compearance on the Day of .

A. B. Macer [*or* other Officer of the Law.]

E. F. Witness.

C.

1.—LIBEL.

UNTO the Sheriff of the County of the Complaint of the Procurator Fiscal of Court [*or other Party with his Concurrence*],

Humbly sheweth,

That [*J. K.*] has been guilty of the Crime of Theft [*or other Crime*] Actor, *or* Art and Part, in so far as on the Day of or about that Time, he did [*here state the Particulars of the Offence, specifying particularly the Place where the Crime was committed*]. May it therefore please your Lordship to grant Warrant to apprehend the said and bring him before you [*or to cite him to appear before you*] to answer to this Libel, and thereafter to [*here specify the Punishment concluded for*], according to Justice.

A. B.

2. — DELIVERANCE on LIBEL.

At 18 .

The Sheriff, having considered this Libel, grants Warrant to Officers of Court to apprehend the above designed [*J. K.*], and to bring him [*or to cite him to appear*] to answer the same, and also to cite Witnesses for both Parties.

[*When stolen Goods, or the like, are to be searched for, this will be included in the Libel and Warrant.*]

C. D.

3. — PROCEDURE.

At 18 , compeared the said *J. K.*, and the Libel being read over to him, he answers that

J. K.
C. D.

[*If the Accused pleads Not guilty, or the Case be not concluded at the first Diet*]

The Sheriff adjourns the Diet to at and in the meantime grants Warrant to incarcerate the said [*J. K.*] in the Tolbooth of to be detained 'till that Time, [*or* until he finds Caution to appear at all future Diets of Court, under a Penalty of .]

C. D.

At 18 , compeared the said [*J. K.*]

The Witnesses after named were examined, upon Oath, in support of the Libel, *videlicet*,

G. H.
L. M.

And the Witnesses after named were examined, on Oath, in Exculpation, *videlicet*,

N. O.
P. Q.

---

4. — SENTENCE.

The Sheriff finds and therefore [*here add Terms of Sentence.*]

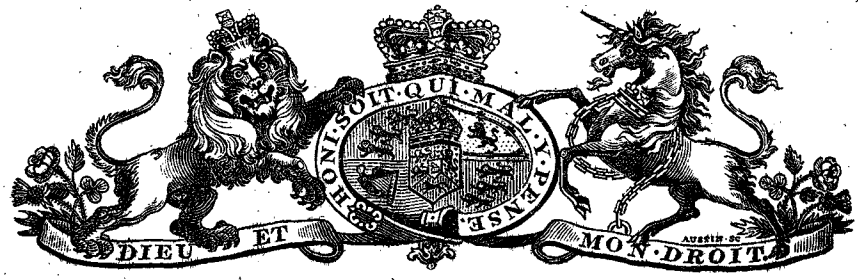
C. D.

D.

GAOL.

Name.	Committed, when and by whom.	Age.	Crime.	Committed, 'till liberated in due Course of Law, when and by whom.	Liberated on Bail, when and by whom.	Tried, when and by whom.	Convicted or Acquitted.	Sentence.	Liberated or removed after Conviction, when and by whom.	Liberated without Bail, when and by whom.	Remarks.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. XXX.

An Act for applying surplus Ways and Means to the Service of the Year One thousand eight hundred and twenty-eight. [19th *June* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards making good the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for and towards making good the Supply granted to His Majesty for the Service of the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and twenty-eight, the Sum of Three hundred and fifty-two thousand and fifty Pounds Eight Shillings and Seven-pence Halfpenny, being the Surplus of Ways and Means granted for the Years One thousand eight hundred and twenty-three, One thousand eight hundred and twenty-four, One thousand eight hundred and twenty-five, One thousand eight hundred and twenty-six, and One thousand eight hundred and twenty-seven;

There shall be applied for the Service of 1828, 352,050*l.* 8*s.* 7½*d.* being the Surplus of Ways and Means granted for the Years herein mentioned.

seven; and the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, is or are hereby authorized and empowered to issue and apply the same accordingly.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXI.

An Act for consolidating and amending the Statutes in *England* relative to Offences against the Person.

[27th *June* 1828.]

WHEREAS it is expedient to repeal various Statutes now in force in that Part of the United Kingdom called *England*, relative to Offences against the Person, in order that the Provisions contained in those Statutes may be amended and consolidated into this Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the Great Charter made in the Ninth Year of the Reign of King *Henry* the Third, as relates to Inquisitions of Life or Member; and so much of a Statute made in the Fifty-second Year of the same Reign, as relates to Murder; and so much of a Statute made in the Third Year of the Reign of King *Edward* the First, as relates to Inquests of Murder, and the Writ of Odio et atiâ, and to any Person ravishing or taking away by Force any Female as therein mentioned; and so much of a Statute made in the Fourth Year of the same Reign, intituled *The Statute of Bigamy*, as relates to Bigamists; and so much of a Statute made in the Sixth Year of the same Reign, as relates to any Person killing another by Misfortune or in his own Defence, or in other Manner without Felony; and so much of a Statute made at *Westminster* in the Thirteenth Year of the same Reign, as relates to the Writ of

Repeal of
9 H. 3. c. 26.
52 H. 3. c. 25.
3 Ed. 1. c. 11 and 13.
4 Ed. 1. st. 3. c. 5.
6 Ed. 1. c. 9.
13 Ed. 1. st. 1. c. 29 and 34.

9 Ed. 2. st. 1. c. 3. Odio et atiâ and to Rape; and so much of a Statute made in the Ninth Year of the Reign of King *Edward* the Second, commonly called *Articuli Cleri*, as relates to laying violent Hands on a Clerk;
18 Ed. 3. st. 3. c. 2. and so much of a Statute made in the Eighteenth Year of the Reign of King *Edward* the Third, as relates to Bigamists; and so much of
25 Ed. 3. st. 5. Part of c. 2. a Statute made in the Twenty-fifth Year of the same Reign, as relates
50 Ed. 3. c. 5. to Petit Treason; and so much of a Statute made in the Fiftieth Year of the same Reign, as relates to the Arrest of Persons of Holy
1 Ric. 2. c. 15. Church; and so much of a Statute made in the First Year of the Reign
6 Ric. 2. st. 1. c. 6. of King *Richard* the Second, as relates to the like Arrests; and so much of a Statute made in the Sixth Year of the same Reign, as relates
5 H. 4. c. 5. to Ravishers, and to Women ravished; and so much of a Statute made in the Fifth Year of the Reign of King *Henry* the Fourth, as relates to cutting the Tongues or putting out the Eyes of any the King's
5 H. 4. c. 6. Liege People, and to any Assault upon the Servant of a Knight of the
2 H. 5. st. 1. c. 9. Shire in Parliament; and so much of a Statute made in the Second Year of the Reign of King *Henry* the Fifth, as relates to Persons
11 H. 6. c. 11. fleeing for Murders, Manslaughters, Robberies, and Batteries; and so much of a Statute made in the Eleventh Year of the Reign of King *Henry* the Sixth, as relates to any Assault or Affray made to any Lord, Knight of the Shire, Citizen, or Burgess being and attending at the Parliament or other Council of the King; and an Act passed in the
3 H. 7. c. 2. Third Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking away of Women against their Wills*; and an Act
3 H. 7. c. 14. passed in the same Year, intituled *An Act that the Steward, Treasurer, and Controller of the King's House, shall enquire of Offences done within the same*; and an Act passed in the Twelfth Year of the
12 H. 7. c. 7. same Reign, intituled *An Act to make some Offences Petty Treason*; and an Act passed in the Twenty-fourth Year of the Reign of King
24 H. 8. c. 5. *Henry* the Eighth, intituled *An Act where a Man killing a Thief shall not forfeit his Goods*; and an Act passed in the Twenty-fifth
25 H. 8. c. 6. Year of the same Reign, intituled *An Act for the Punishment of the Vice of Buggery*; and so much of an Act passed in the Thirty-
33 H. 8. c. 12. Part of s. 6. to s. 18. third Year of the same Reign, intituled *An Act for Murther and malicious Bloodshed within the Court*, as relates to the Punishment of Manslaughter and of malicious Striking, by reason whereof Blood
33 H. 8. c. 23. shall be shed; and an Act passed in the same Year, intituled *An Act to proceed by a Commission of Oyer and Determiner against such Persons as shall confess Treasons, without remanding the same to be tried in the same Shire where the Offence was committed*; and so much of an Act passed in the First Year of the Reign of King *Edward*
1 Ed. 6. c. 12. s. 10. 13. 16. and 22. the Sixth, intituled *An Act for the Repeal of certain Statutes concerning Treasons, Felonies, etc.*, as relates to Petty Treason and Murder, and to Bigamists, but nothing therein now in force relating to Foreign Pleas or Dower; and so much of an Act passed in the
5 & 6 Ed. 6. c. 4. s. 3. Fifth and Sixth Years of the same Reign, intituled *An Act against quarrelling and fighting in Churches and Churchyards*, as relates to the Punishment of Persons convicted of striking with any Weapon, or drawing any Weapon with Intent to strike as therein mentioned; and an Act passed in the Fourth and Fifth Years of the Reign of
4 & 5 P. & M. c. 4. King *Philip* and Queen *Mary*, intituled *An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy*; and
4 & 5 P. & M. c. 8. an Act passed in the same Years, intituled *An Act for the Punishment*

of such as shall take away Maidens that be Inheritors, being within the Age of Sixteen Years, or that marry them without Consent of their Parents; and so much of an Act passed in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices,* as relates to the Punishment of any Servant, Workman, or Labourer making any Assault or Affray as therein mentioned; and an Act passed in the same Year, intituled *An Act for the Punishment of the Vice of Sodomy;* and an Act passed in the Eighteenth Year of the same Reign, intituled *An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the Delivery of Clerks convict without Purgation;* and an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for taking away of Clergy from Offenders against a certain Statute made in the Third Year of the Reign of King* Henry *the Seventh, concerning the taking away of Women against their Wills unlawfully;* and an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act to take away the Benefit of Clergy from some Kind of Manslaughter;* and an Act passed in the same Year, intituled *An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead;* and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second, intituled *An Act to prevent malicious Maiming and Wounding;* and so much of an Act passed in the same Years, intituled *An Act to prevent the Delivery up of Merchant Ships, and for the Increase of good and serviceable Shipping,* as relates to any Mariner laying violent Hands on his Commander, as therein mentioned; and so much of an Act passed in the Eleventh Year of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppression of Piracy,* as relates to any Master of a Merchant Vessel, who shall force any Man on Shore, or wilfully leave him behind, or refuse to bring Home any Man as therein mentioned; and so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for the better preventing of excessive and deceitful Gaming,* as relates to the Forfeiture and Punishment of any Person assaulting and beating or challenging or provoking to fight any other Person on account of any Money won as therein mentioned; and an Act passed in the same Year, intituled *An Act to make an Attempt on the Life of a Privy Councillor in the Execution of his Office to be Felony without Benefit of Clergy;* and so much of an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages,* as creates any Felony; and an Act passed in the Second Year of the Reign of King *George* the Second, intituled *An Act for the Trial of Murders in Cases where either the Stroke or Death only happens within that Part of* Great Britain *called* England; and so much of an Act passed in the Eleventh Year of the same Reign, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn,* as relates to any Person who shall beat, wound, or use any other Violence to any Person or Driver, and so much thereof as makes any Second Offence Felony; and so much of an Act passed in the Twenty-second

5 Eliz. c. 4. s. 21.

5 Eliz. c. 17.

18 Eliz. c. 7.

39 Eliz. c. 9.

Vulgo 2 J. 1. c. 8.

Vulgo 2 J. 1. c. 11.

22 & 23 C. 2. c. 1.

22 & 23 C. 2. c. 11. s. 9.

Vulgo 11 & 12 W. 3. c. 7. s. 18.

9 Ann. c. 14. s. 8.

9 Ann. c. 16.

12 G. 1. c. 34. s. 6.

2 G. 2. c. 21.

11 G. 2. c. 22. Part of s. 1 and 2.

22 G. 2. c. 27. Part of s. 12. second Year of the same Reign, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages,* as extends to the Persons therein mentioned that Part of the Act of the Twelfth Year of King *George* the First which is herein-before referred to; and the whole of an Act passed in the Twenty-fifth Year of the Reign of

25 G. 2. c. 37. except s. 9 and 10. King *George* the Second, intituled *An Act for better preventing the horrid Crime of Murder,* except so far as relates to Rescues and Attempts to rescue; and so much of an Act passed in the Twenty-

26 G. 2. c. 19. s. 11. sixth Year of the same Reign, intituled *An Act for enforcing the Laws against Persons who steal or detain Shipwrecked Goods, and for the Relief of Persons suffering Loss thereby,* as relates to any Person who shall be assaulted, beaten, and wounded for the Exercise of his Duty in the Salvage of any Vessel, Goods, or Effects, as therein mentioned; and so much of an Act passed in the Thirtieth Year

30 G. 3. c. 48. of the Reign of King *George* the Third, intituled *An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof,* as relates to Petit Treason; and so much of an Act passed in the Thirty-third Year of the same Reign, inti-

33 G. 3. c. 67. s. 2. tuled *An Act for better preventing Offences in obstructing, destroying, or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters, and Ship Carpenters from pursuing their lawful Occupations,* as relates to any Seaman, Keelman, Caster, Ship Carpenter, or other Person, who shall prevent, hinder, or obstruct, or assault, beat, wound, or do any bodily Violence or Hurt to any Seaman, Keelman, Caster, or Ship Carpenter, as therein particularly mentioned; and an Act passed in the Thirty-fifth Year of the same Reign, intituled

35 G. 3. c. 67. *An Act for rendering more effectual an Act passed in the First Year of the Reign of King* James *the First, intituled* '*An Act to restrain* '*all Persons from Marriage until their former Wives and former* '*Husbands be dead;*' and so much of an Act passed in the

36 G. 3. c. 9. Part of s. 1 and 2. Thirty-sixth Year of the same Reign, intituled *An Act to prevent Obstructions to the free Passage of Grain within the Kingdom,* as relates to any Person who shall beat, wound, or use any other Violence to any Person or Driver, and so much thereof as makes any Second Offence Felony; and an Act passed in the Forty-third Year of

43 G. 3. c. 58. the same Reign, intituled *An Act for the further Prevention of malicious shooting, and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women, and also the malicious setting fire to Buildings; and also for repealing a certain Act made in* England *in the Twenty-first Year of the late King* James *the First, intituled* '*An Act to prevent the destroying and murthering of Bastard* '*Children,*' *and also an Act made in* Ireland *in the Sixth Year of the Reign of the late Queen* Anne, *also intituled* '*An Act to prevent the* '*destroying and murthering of Bastard Children,*' *and for making other Provisions in lieu thereof;* and an Act passed in the same Forty-

43 G. 3. c. 113. third Year, intituled *An Act for the more effectually providing for the Punishment*

Punishment of Offences in wilfully casting away, burning, or destroying Ships and Vessels, and for the more convenient Trial of Accessories in Felonies, and for extending the Powers of an Act made in the Thirty-third Year of the Reign of King Henry *the Eighth, as far as relates to Murders, to Accessories to Murders, and to Manslaughters;* and an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Prevention of Child-stealing;* and so much of an Act passed in the Fifty-eighth Year of the same Reign, intituled *An Act to extend and render more effectual the present Regulations for the Relief of seafaring Men and Boys, Subjects of the United Kingdom of* Great Britain *and* Ireland, *in Foreign Parts,* as relates to the Trial of Offences against the Act of King *William* the Third, herein-before mentioned; and so much of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to remove Doubts and to remedy Defects in the Law, with respect to certain Offences committed upon the Sea or within the Jurisdiction of the Admiralty,* as refers to the Act of the Forty-third Year of the Reign of King *George* the Third, herein-before first mentioned; and an Act passed in the same First Year, intituled *An Act to repeal so much of the several Acts passed in the Thirty-ninth Year of the Reign of* Elizabeth, *the Fourth of* George *the First, the Fifth and Eighth of* George *the Second, as inflicts Capital Punishment on certain Offences therein specified, and to provide more suitable and effectual Punishment for such Offences;* and so much of an Act passed in the First and Second Years of the present Reign, intituled *An Act for the Amendment of the Law of Rescue,* as relates to the Offences of assaulting, beating, and wounding therein mentioned; and an Act passed in the Third Year of the present Reign, intituled *An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact to Grand Larceny, and certain other Felonies;* and so much of an Act passed in the same Year, intituled *An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour,* as relates to any of the Assaults therein mentioned; shall continue in force until and throughout the last Day of *June* in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England,* and as to Offences committed within the Jurisdiction of the Admiralty of *England,* be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to Offences committed before or upon the said last Day of *June,* which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect (except as is herein-before excepted) on the First Day of *July* in the present Year.

54 G. 3. c. 101.
58 G. 3. c. 38. s. 1.
1 G. 4. c. 90. s. 2.
1 G. 4. c. 115.
1 & 2 G. 4. c. 88.
3 G. 4. c. 38.
3 G. 4. c. 114.

Commencement of this Act.

II. And be it enacted, That every Offence, which before the Commencement of this Act would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

Petit Treason to be treated in all respects as Murder.

Punishment of Principals and Accessories in Murder.

III. And be it enacted, That every Person convicted of Murder, or of being an Accessory before the Fact to Murder, shall suffer Death as a Felon; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years.

Period of Execution and Marks of Infamy.

Sentence to be pronounced immediately.

Power to respite.

IV. And be it enacted, That every Person convicted of Murder shall be executed according to Law on the Day next but One after that on which the Sentence shall be passed, unless the same shall happen to be *Sunday*, and in that Case on the *Monday* following; and the Body of every Murderer shall, after Execution, either be dissected or hung in Chains, as to the Court shall seem meet; and Sentence shall be pronounced immediately after the Conviction of every Murderer, unless the Court shall see reasonable Cause for postponing the same; and such Sentence shall express not only the usual Judgment of Death, but also the Time hereby appointed for the Execution thereof, and that the Body of the Offender shall be dissected or hung in Chains, whichsoever of the Two the Court shall order: Provided always, that after such Sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge shall so think fit.

As to the Dissection of the Bodies of Murderers.

V. And be it enacted, That whenever Dissection shall be ordered by such Sentence, the Body of the Murderer, if executed in the County of *Middlesex* or City of *London*, shall be immediately conveyed by the Sheriff or Sheriffs, or his or their Officers, to the Hall of the Surgeons' Company, or to such other Place as the said Company shall appoint, and shall be delivered to such Person as the said Company shall appoint, for the Purpose of being dissected; and the Body of the Murderer, if executed elsewhere, shall in like Manner be delivered to such Surgeon as the Court or Judge shall direct, for the same Purpose.

Prison Regulations as to Murderers under Sentence.

VI. And be it enacted, That every Person convicted of Murder shall, after Judgment, be confined in some safe Place within the Prison, apart from all other Prisoners, and shall be fed with Bread and Water only, and with no other Food or Liquor, except in case of receiving the Sacrament, or in case of any Sickness or Wound, in which Case the Surgeon of the Prison may order other Necessaries to be administered; and no Person but the Gaoler and his Servants, and the Chaplain and Surgeon of the Prison, shall have access to any such Convict, without the Permission in Writing of the Court or Judge before whom such Convict shall have been tried, or of the Sheriff or his Deputy: Provided always, that in case the Court or Judge shall think fit to respite the Execution of such Convict, such Court or Judge may, by a Licence in Writing, relax, during the Period of the Respite, all or any of the Restraints or Regulations herein-before directed to be observed.

VII. And

British Subjects may be tried in England for Murder or Manslaughter committed Abroad.

VII. And be it enacted, That if any of His Majesty's Subjects shall be charged in *England* with any Murder or Manslaughter, or with being accessory before the Fact to any Murder, or after the Fact to any Murder or Manslaughter, the same being respectively committed on Land out of the United Kingdom, whether within the King's Dominions or without, it shall be lawful for any Justice of the Peace of the County or Place where the Person so charged shall be, to take Cognizance of the Offence so charged, and to proceed therein as if the same had been committed within the Limits of his ordinary Jurisdiction; and if any Person so charged shall be committed for Trial, or admitted to Bail to answer such Charge, a Commission of Oyer and Terminer under the Great Seal shall be directed to such Persons, and into such County or Place as shall be appointed by the Lord Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal, for the speedy Trial of any such Offender; and such Persons shall have full Power to enquire of, hear, and determine all such Offences, within the County or Place limited in their Commission, by such good and lawful Men of the said County or Place as shall be returned before them for that Purpose, in the same Manner as if the Offences had been actually committed in the said County or Place: Provided always, that if any Peers of the Realm, or Persons entitled to the Privilege of Peerage, shall be indicted of any such Offences, by virtue of any Commission to be granted as aforesaid, they shall be tried by their Peers in the Manner heretofore used: Provided also, that nothing herein contained shall prevent any Person from being tried in any Place out of this Kingdom for any Murder or Manslaughter committed out of this Kingdom, in the same Manner as such Person might have been tried before the passing of this Act.

Proviso.

Provision for the Trial of Murder and Manslaughter, where the Death, or the Cause of Death only, happens in England.

VIII. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *England*, shall die of such Stroke, Poisoning, or Hurt in *England*, or being feloniously stricken, poisoned, or otherwise hurt at any Place in *England*, shall die of such Stroke, Poisoning, or Hurt, upon the Sea, or at any Place out of *England*, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, enquired of, tried, determined, and punished in the County or Place in *England* in which such Death, Stroke, Poisoning, or Hurt shall happen, in the same Manner, in all respects, as if such Offence had been wholly committed in that County or Place.

Punishment of Manslaughter.

IX. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years, or to pay such Fine as the Court shall award.

X. Pro-

As to Homicide not felonious.

X. Provided always, and be it enacted, That no Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune or in his own Defence, or in any other Manner without Felony.

Attempts to murder, when evidenced by certain Acts, shall be Capital.

XI. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison or other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to murder such Person, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Shooting at, or stabbing, cutting, or wounding any Person, with Intent to maim, &c. shall be Capital, provided the Case would have been Murder if Death had ensued.

XII. And be it further enacted, That if any Person unlawfully and maliciously shall shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that in case it shall appear, on the Trial of any Person indicted for any of the Offences above specified, that such Acts of shooting, or of attempting to discharge loaded Arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such Circumstances, that if Death had ensued therefrom, the same would not in Law have amounted to the Crime of Murder, in every such Case the Person so indicted shall be acquitted of Felony.

Administering Poison or using any Means to procure the Miscarriage of a Woman quick with Child.

The like as to a Woman not quick with Child.

XIII. And be it enacted, That if any Person, with Intent to procure the Miscarriage of any Woman then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Poison or other noxious Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person, with Intent to procure the Miscarriage of any Woman not being, or not being proved to be, then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Medicine or other Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every

every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

A Woman secreting the dead Body of her Child, to conceal the Fact of its Birth, guilty of Misdemeanor. Proviso.

XIV. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury, by whose Verdict she shall be acquitted, to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Sodomy.

XV. And be it enacted, That every Person convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall suffer Death as a Felon.

Rape.

XVI. And be it enacted, That every Person convicted of the Crime of Rape shall suffer Death as a Felon.

Carnal Knowledge of a Girl under 10, the like of a Girl above 10 and below 12.

XVII. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the Age of Ten Years, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and carnally know and abuse any Girl, being above the Age of Ten Years and under the Age of Twelve Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for such Term as the Court shall award.

What shall be sufficient Proof of carnal Knowledge in the Four preceding Cases.

XVIII. And whereas upon Trials for the Crimes of Buggery and of Rape, and of carnally abusing Girls under the respective Ages herein-before mentioned, Offenders frequently escape by reason of the Difficulty of the Proof which has been required of the Completion of those several Crimes; for Remedy thereof be it enacted, That it shall not be necessary, in any of those Cases, to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but that the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

Forcible Abduction of a Woman on account of her Fortune, with Intent to marry her, &c.

XIX. And be it enacted, That where any Woman shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be an Heiress presumptive or next of Kin to any one having such Interest, if any Person shall, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years.

Unlawful Abduction of a Girl from her Parents or Guardians.

XX. And be it enacted, That if any Person shall unlawfully take, or cause to be taken, any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Child-stealing.

XXI. And be it enacted, That if any Person shall maliciously, either by Force or Fraud, lead or take away, or decoy or entice away, or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; or if any Person shall, with any such Intent as aforesaid, receive or harbour any such Child, knowing the same to have been, by Force or Fraud, led, taken, decoyed, enticed away, or detained as herein-before mentioned; every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother, or any other Person having the lawful Charge thereof.

Not to extend to Fathers taking their illegitimate Children.

Bigamy.

XXII. And be it enacted, That if any Person, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in *England* or elsewhere, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard

Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and any such Offence may be dealt with, enquired of, tried, determined, and punished in the County where the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed in that County: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of *England* by any other than a Subject of His Majesty, or to any Person marrying a Second Time, whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who at the Time of such Second Marriage shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Place of Trial.

Exceptions.

XXIII. And be it enacted, That if any Person shall arrest any Clergyman upon any Civil Process, while he shall be performing Divine Service, or shall, with the Knowledge of such Person, be going to perform the same, or returning from the Performance thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Arresting a Clergyman during Divine Service.

XXIV. And be it enacted, That if any Person shall assault and strike or wound any Magistrate, Officer, or other Person whatsoever lawfully authorized, on account of the Exercise of his Duty in or concerning the Preservation of any Vessel in Distress, or of any Vessel, Goods, or Effects wrecked, stranded, or cast on Shore, or lying under Water, every such Offender, being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for such Term as the Court shall award.

Punishment for Assaults on Officers, &c. for their Endeavours to save shipwrecked Property.

XXV. And be it enacted, That where any Person shall be charged with and convicted of any of the following Offences as Misdemeanors; that is to say, of any Assault with Intent to commit Felony; of any Assault upon any Peace Officer or Revenue Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer; of any Assault upon any Person with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so assaulting, or of any other Person, for any Offence for which he or they may be liable by Law to be apprehended or detained; or of any Assault committed in pursuance of any Conspiracy to raise the Rate of Wages; in any such Case the Court may sentence the Offender to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, and may also (if it shall so think fit) fine the Offender, and require him to find Sureties for keeping the Peace.

Assaults with Intent to commit Felony; Assaults on Peace Officers; or to prevent the Arrest of Offenders; or in pursuance of a Conspiracy to raise Wages; punishable with hard Labour.

XXVI. And be it enacted, That if any Person shall unlawfully and with Force hinder any Seaman, Keelman, or Caster from working at

Assault on any Seaman, &c. to prevent

him from working; Assaults with Intent to obstruct the buying or selling of Grain, or its free Passage; punishable before Two Magistrates, with Imprisonment not exceeding Three Months.

at or exercising his lawful Trade, Business, or Occupation, or shall beat, wound, or use any other Violence to him, with Intent to deter or hinder him from working at or exercising the same; or if any Person shall beat, wound, or use any other Violence to any Person, with Intent to deter or hinder him from selling or buying any Wheat or other Grain, Flour, Meal, or Malt, in any Market or other Place, or shall beat, wound, or use any other Violence to any Person having the Care or Charge of any Wheat or other Grain, Flour, Meal, or Malt, whilst on its Way to or from any City, Market Town, or other Place, with Intent to stop the Conveyance of the same, every such Offender may be convicted thereof before Two Justices of the Peace, and imprisoned and kept to hard Labour in the Common Gaol or House of Correction, for any Term not exceeding Three Calendar Months: Provided always, that no Person, who shall be punished for any such Offence by virtue of this Provision, shall be punished for the same Offence by virtue of any other Law whatsoever.

Persons committing any Common Assault or Battery may be compelled by Two Magistrates to pay Fine and Costs not exceeding 5*l*.

XXVII. And whereas it is expedient that a summary Power of punishing Persons for Common Assaults and Batteries should be provided under the Limitations herein-after mentioned; be it therefore enacted, That where any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence, and the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds, which Fine shall be paid to some one of the Overseers of the Poor, or to some other Officer of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and the Evidence of any Inhabitant of the County, Riding, or Division shall be admitted in Proof of the Offence, notwithstanding such Application of the Fine incurred thereby; and if such Fine as shall be awarded by the said Justices, together with the Costs (if ordered), shall not be paid, either immediately after the Conviction, or within such Period as the said Justices shall at the Time of the Conviction appoint, it shall be lawful for them to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Two Calendar Months, unless such Fine and Costs be sooner paid; but if the Justices, upon the Hearing of any such Case of Assault or Battery, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, and shall accordingly dismiss the Complaint, they shall forthwith make out a Certificate under their Hands, stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

Application of the Fine.

Commitment on Nonpayment.

If the Magistrates dismiss the Complaint, they shall make out a Certificate to that Effect.

Such Certificate or Conviction shall

XXVIII. And be it enacted, That if any Person against whom any such Complaint shall have been preferred for any Common Assault

Assault or Battery, shall have obtained such Certificate as aforesaid, or having been convicted shall have paid the whole Amount adjudged to be paid under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, in every such Case he shall be released from all further or other Proceedings, Civil or Criminal, for the same Cause. Certificate to be a Bar to any other Proceedings.

XXIX. Provided always, and be it enacted, That in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of Opinion that the same is, from any other Circumstance, a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of this Act: Provided also, that nothing herein contained shall authorize any Justices of the Peace to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice. These Provisions not to apply to aggravated Cases, &c.

XXX. And be it enacted, That if any Master of a Merchant Vessel shall, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of His Majesty's Colonies or elsewhere, or shall refuse to bring Home with him again all such of the Men whom he carried out with him, as are in a Condition to return when he shall be ready to proceed on his homeward-bound Voyage, every such Master shall be guilty of a Misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such Term as the Court shall award; and all such Offences may be prosecuted by Indictment or by Information, at the Suit of His Majesty's Attorney General, in the Court of King's Bench, and may be alleged in the Indictment or Information to have been committed at *Westminster* in the County of *Middlesex*; and the said Court is hereby authorized to issue One or more Commissions, if necessary, for the Examination of Witnesses Abroad; and the Depositions taken under the same shall be received in Evidence on the Trial of every such Indictment or Information. Punishment for the Master of a Merchant Vessel forcing a Seaman on Shore, or refusing to bring him Home. Mode of Trial, &c.

XXXI. And be it enacted, That every Accessory before the Fact to any Felony punishable under this Act, for whom no Punishment has been herein-before provided, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years; and every Accessory after the Fact to any Felony punishable under this Act (except Murder) shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and every Person who shall counsel, aid, or abet the Commission of any Misdemeanor punishable under this Act, shall be liable to be proceeded against and punished as a principal Offender. Provision for Accessories to Offences against this Act.

As to Offences against this Act committed at Sea.

XXXII. And be it enacted, That all indictable Offences mentioned in this Act, which shall be committed within the Jurisdiction of the Admiralty of *England*, shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in *England*, and may be dealt with, enquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of *England*: Provided always, that nothing herein contained shall alter or affect any of the Laws relating to the Government of His Majesty's Land or Naval Forces.

Not to affect the Laws relating to the Forces.

Provision for Offences against this Act punishable on summary Conviction.

XXXIII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any such Offence, the Justice may summon the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person by delivering the same to him) the Justices may either proceed to hear and determine the Case *ex parte*, or may issue their Warrant for apprehending such Person and bringing him before them; or the Justice before whom the Charge shall be made may (if he shall so think fit) issue such Warrant in the first Instance, without any previous Summons.

Time for summary Proceedings.

XXXIV. Provided always, and be it enacted, That the Prosecution for every Offence punishable on summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise.

Form of Conviction.

XXXV. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,)

'BE it remembered, That on the Day of
'in the Year of our Lord at
'in the County of , [*or* Riding, Division, Liberty, City,
'*etc. as the Case may be*], *A. O.* is convicted before us [*naming the Jus-*
'*tices*], Two of His Majesty's Justices of the Peace for the said County,
'[*or* Riding, *etc.*], for that he the said *A. O.* did [*specify the Offence,*
'*and the Time and Place when and where the same was committed, as*
'*the Case may be*]; and we the said Justices adjudge the said *A. O.* for
'his said Offence to be imprisoned in the and there kept
'to hard Labour for the Space of [*or*, we adjudge the
'said *A. O.* for his said Offence to forfeit and pay the Sum of] [*here*
'*state the Amount of the Fine imposed*], and also to pay the Sum of
' for Costs; and in default of immediate Payment of
'the said Sums, to be imprisoned in the for the Space of
' unless the said Sums shall be sooner paid; [*or*, and we
'order that the said Sums shall be paid by the said *A. O.* on or before
'the Day of], and we direct that the said

'Sum of [i. e. *the Amount of the Fine*] shall be paid to
'of aforesaid, in which the said Offence
'was committed, to be by him applied according to the Directions of
'the Statute in that Case made and provided; and we order that the
'said Sum of for Costs shall be paid to *C. D.* [*the*
'*Party aggrieved*]. Given under our Hands the Day and Year first
'above mentioned.'

No Certiorari, &c.

XXXVI. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Not to repeal any Act relating to High Treason, the Revenue, or Combinations.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter any Act, so far as it relates to the Crime of High Treason, or to any Branch of the Public Revenue, or shall affect or alter any Act for the Prevention of Smuggling, or any Part of the Act passed in the Sixth Year of the present Reign, intituled *An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.*

Not to extend to Scotland or Ireland.

XXXVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXII.

An Act for amending the Law of Evidence in certain Cases. [27th *June* 1828.]

WHEREAS it is expedient that Quakers and Moravians should be allowed to give Evidence upon their solemn Affirmation in all Cases, Criminal as well as Civil; and that, in Prosecutions for Forgery, the Party interested should be rendered a competent Witness: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Quaker or Moravian who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, "I *A.B.* do solemnly, sincerely, and truly declare and affirm;" which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice, and other Places where by Law an Oath is required, as if such Quaker or Moravian had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing, which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are or shall be subject.

Quakers or Moravians required to give Evidence may, instead of an Oath, make their solemn Affirmation, which shall be of the same Effect in all Cases, Civil or Criminal.

II. And

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

II. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law, or by virtue of any Statute, against any Person, for forging any Deed, Writing, Instrument, or other Matter whatsoever; or for uttering or disposing of any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged; or for being Accessory before or after the Fact to any such Offence, if the same be a Felony; or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor; no Person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

III. And whereas it is expedient to prevent all Doubts respecting the Civil Rights of Persons convicted of Felonies not capital, who have undergone the Punishment to which they were adjudged; be it therefore enacted, That where any Offender hath been or shall be convicted of any Felony not punishable with Death, and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after he has undergone the Punishment.

IV. And whereas there are certain Misdemeanors which render the Parties convicted thereof incompetent Witnesses, and it is expedient to restore the Competency of such Parties after they have undergone their Punishment; be it therefore enacted, That where any Offender hath been or shall be convicted of any such Misdemeanor, (except Perjury or Subornation of Perjury,) and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXIII.

An Act to declare and settle the Law respecting the Liability of the Real Estates of *British* Subjects and others, situate within the Jurisdiction of His Majesty's Supreme Courts in *India*, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners. [27th *June* 1828.]

WHEREAS some Doubts have arisen whether, and to what Extent, the Real Estates of *British* Subjects and others, (not being Mahomedans or Gentoos,) situate within or being under the Jurisdiction of His Majesty's Supreme Courts of Judicature in *India*, are liable, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners: And whereas it is expedient that such Doubts should be removed; be it therefore and it is hereby declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any *British* Subject shall die seised of or entitled to any Real Estate in Houses, Lands, or Hereditaments, situate within or being under the general Civil Jurisdiction of His Majesty's Supreme Courts of Judicature at *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively, or whenever any Person (not being a Mahomedan or Gentoo) shall die seised

Whenever any British Subjects, or Persons not being Mahomedans or Gentoos, shall die, entitled to

any Real Estate in India, such Estate shall be deemed Assets.

seised of or entitled to any such Real Estate, situate within the local Limits of the Civil Jurisdiction of the same Courts respectively, such Real Estate of such *British* Subject or other Person as aforesaid, (not being a Mahomedan or Gentoo,) is and shall be deemed Assets, in the Hands of his or her Executor or Administrator, for the Payment of his or her Debts, whether by Specialty or Simple Contract, in the ordinary Course of Administration.

Executors may sell such Real Estates for the Payment of Debts.

II. And it is further declared and enacted, That it is and shall be lawful for such Executor or Administrator of such *British* Subject or other Person as aforesaid, (not being a Mahomedan or Gentoo,) to sell and dispose of such Real Estate for the Payment of such Debts as aforesaid, and to convey and assure the same Estate to a Purchaser, in as full and effectual a Manner in Law as the Testator or Intestate of such Executor or Administrator could or might have done in his Life-time.

In any Action for Debt, the Executor may be charged with the full Amount of such Real Estate.

III. And it is further declared and enacted, That in any Suit or Action to be commenced and prosecuted in any of the said Courts respectively, against such Executor or Administrator as aforesaid, for the Recovery of any Debt or Demand due and owing by such Testator or Intestate in his Life-time and at the Time of his Death, such Executor or Administrator shall and may be charged with the full Amount in Value of such Real Estate as aforesaid, not exceeding the actual net Proceeds of such Estate when sold by the Sheriff, as Assets in the Hands of such Executor or Administrator to be administered.

In Suits against Executors, Courts may order Writs of Sequestration.

IV. And it is further declared and enacted, That in any such Suit or Action against such Executor or Administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award and issue such Writs of Sequestration and Execution against such Houses, Lands, and Real Effects of such Testator or Intestate, in the Hands of such Executor or Administrator as aforesaid, and to cause the same to be seized, sequestered, and sold, or Possession thereof delivered under such Writs respectively, in the same Manner as such Courts could and might have done in the Life-time of such Testator or Intestate as aforesaid.

Conveyances and Assurances of such Estates shall be deemed good.

V. And it is further declared and enacted, That all Conveyances and Assurances of such Real Estates of such *British* Subjects and other Persons so dying seised or entitled as aforesaid, (not being Mahomedans or Gentoos,) situate within or being under the general or local Jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by Executors and Administrators of such deceased *British* Subjects and other Persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same Force, Validity, and Effect in Law, as if the same had been made and executed by such deceased Persons in their Life-time.

This Act not to alter the legal Quality or Tenure of any Estates.

VI. Provided nevertheless, and it is hereby declared and enacted, That neither this Act, nor any thing herein contained, shall be construed to operate as or have the Effect of changing or altering the legal Quality, Nature, or Tenure of any Lands, Houses, Estates, Rights, Interests, or

any other Subject of Property whatsoever, or of making the same or any of them to be of the Nature of Real Property, if by Law, before the passing of this Act, the same or any of them were Personal Property; but that the Law in that respect shall be and continue the same as if this Act had not passed.

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ANNO NONO

GEORGII IV. REGIS.

CAP. XXXIV.

An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to regulate Madhouses in* Scotland. [27th *June* 1828.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate Madhouses in* Scotland, which requires to be altered and amended in some respects; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for and in respect of any Licence to be granted by any Sheriff, for the Care and Confinement of any factious or furious Person, or Lunatic, within his County, in the Manner directed by the said recited Act, there shall be paid only Ten Shillings and Sixpence for every Person confined, in place of Two Guineas, as required by the said recited Act, to be accounted for in the Manner thereby directed: Provided always, that for no Licence to be so granted shall there be paid less than the Sum of Two Guineas. 55 G. 3. c. 69.

What Sums shall be paid for Licences granted for the Care of Insane Persons.

II. And be it enacted, That a Book shall be kept in every House so licensed, in which shall be inserted the Name and Date of Admission of every Insane Person into such House, and also the

Books to be kept for entering the Time of Ad-

mission and of Discharge of Insane Persons.

the Death or Discharge of every such Person, specifying the State of Mind in which such Person was at the Date of such Death or Discharge, and the Cause of his or her Death.

Whenever Coercion shall be made use of towards any Person confined, an Entry thereof to be made in such Books.

III. And be it enacted, That whenever any Coercion, Severity, or Restraint, beyond that of Solitary Confinement, shall be used towards any Person confined in such House, an Entry shall be made in the foresaid Book on the same Day on which such Coercion, Severity, or Restraint shall be first used, setting forth the Nature of such Coercion, Severity, or Restraint, together with the special Cause thereof; and it is further provided, that the Keeper of such House shall make or cause to be made an Entry in said Book on each succeeding Day during which such Coercion, Severity, or Restraint may be continued, showing the Progress of the Disorder, and how far such Coercion, Severity, or Restraint has been increased, diminished, continued, or put an end to, as also the Reasons for the Continuance or Change of such Treatment.

Books to be produced to Inspectors, who are to insert the Date of their Inspection, &c.

IV. And be it enacted, That such Book or Books shall be produced to the Inspectors authorized to visit and inspect such Houses, which Inspectors are hereby required to mark thereon the Date of such Inspection, together with any Observations which they may deem material as to the State of such House, or of all or any of the Persons therein confined; and any Keeper of such House who shall neglect to keep the Books hereby ordered, or to make therein any of the Entries hereby ordered, at the Times and in the Terms hereby prescribed, or who shall refuse or neglect to produce such Books when duly required, shall forfeit the Sum of Five Pounds for each Offence, to be recovered in the same Manner as Penalties may be recovered under the said recited Act.

No Insane Person to be received into an Hospital without a Warrant from the Sheriff, who is to inspect Hospitals.

V. And be it enacted, That no Insane Person shall be received into any Public Hospital or Public Lunatic Asylum without a Warrant from the Sheriff, such as is required by the said recited Act in the Case of a Private Madhouse; and the said Sheriff is hereby required to inspect such Hospitals and Asylums in the same way as Private Madhouses; and he is further authorized to order any Person to be discharged from such Hospital or Asylum, who, after due Inquiry and medical Inspection, shall be considered by him as improperly detained therein.

Houses of Reception to be visited by Medical Men.

VI. And be it further enacted, That in every House of Reception for Two or more Insane Persons there shall, if it contain One hundred Patients, be a resident Physician or Surgeon; and every such House containing less than One hundred Patients, (in case such House shall not be kept by a Physician or Surgeon, shall be visited twice in every Week by a Physician or Surgeon; and such resident Attendant or visiting Physician or Surgeon is hereby respectively required to report to the Keeper the Condition of the House, and State of Health of the Patients, and shall once in every Week enter and sign the same in a Register, according to the Form in the Schedule hereunto annexed; and such Register shall by the Keeper of such House be regularly laid before the Inspectors appointed by this

this and the before-recited Act, who are hereby required to sign the same in testimony of its Production.

Ministers empowered to visit Madhouses within their Parishes.

VII. Provided always, and be it further enacted, That the established Minister of the Parish wherein any House for the Reception of Insane Persons is situate, with the Consent in Writing of the Sheriff, shall have Liberty to visit all such Houses at any Hour between Eight in the Morning and Eight in the Evening; but notwithstanding such written Consent as aforesaid, the Keeper of any such House may refuse such Minister Access to any Patient, if he shall think such Visit prejudicial to the due Care or Recovery of the Patient, provided such Refusal, and the Grounds thereof, shall be duly entered in the Register, and reported by such Keeper to the Inspectors at their then next ensuing Visitation.

Regulations as to Persons with whom Lunatics are privately confined.

VIII. And be it further enacted, That no Person shall receive into his exclusive Care and Maintenance, except he be a Relative, any one Insane Person, without first having an Order and Certificate signed by Two Physicians or Surgeons in Terms similar to that which is required on the Admission of any Insane Person into a licensed House; and that every such Person so having received into his Charge any Insane Person as aforesaid shall, within Five Days thereof, transmit to the Sheriff of the County a Copy of such Certificate, and shall also state the Parish wherein such House shall be situate, and the Name of the Occupier thereof; and such Order and Return may be sealed, and indorsed "Private Return;" and also on the First Day of *January*, or within Seven Days thereof, in every Year, every such Person shall also transmit to such Sheriff a Certificate signed by Two Physicians or Surgeons, describing the then actual State of such Insane Person; and in case of the Death or Removal of such Insane Person, he shall forthwith notify the same to such Sheriff; all which said Certificates and Notifications shall be duly preserved; and the said Sheriff shall make or cause to be made therefrom a separate Register, containing the true Christian and Surname of each Insane Person so confined, together with the Place of Confinement; which Register shall be open to the Inspection of His Majesty's Principal Secretary of State for the Home Department, or the Lord President of the Court of Session, or the Lord Justice Clerk, or to such other Persons as shall be authorized to inspect the same, by an Order under their respective Hands; and any Person receiving into his Care any Person contrary to this Enactment, shall incur a Penalty of Fifty Pounds, to be recovered in the Manner before specified.

Secretary of State empowered to erase Name of Lunatic from Register.

IX. Provided always, and be it further enacted, That it shall and may be lawful for His Majesty's said Principal Secretary of State, in all Cases in which any such Patient shall have been discharged cured, upon his or her Application, verified, as to the Identity of Person and other Facts, to the Satisfaction of such Secretary of State, to direct that the Name of such Patient shall be wholly erased from the said Register.

Justices may appoint Three of their

X. And be it enacted, That it shall and may be lawful for the Justices of the Peace of every County in *Scotland* to name and appoint,

Number to inspect Hospitals, &c.

appoint, at a Court of Quarter Sessions to be held annually on the same Day on which the *Michaelmas* Meeting of Freeholders takes place, if they shall think fit so to do, any Three of their Number to visit and inspect any Private Madhouses or Asylums for the Custody of Lunatics situated in such County; and such Three Justices so appointed, or any Two of them, shall have Power to visit and inspect any such Madhouses or Public Hospitals or Asylums in their County accordingly, and to report annually there anent to the Justices met in Quarter Sessions as aforesaid.

This Act and the recited Act to be construed together.

XI. And be it enacted, That this Act shall be deemed and taken to be a Part of the said recited Act; and this Act and the said recited Act shall be construed together, in giving Effect to the said recited Act and this Act.

SCHEDULE.

WEEKLY REGISTER to be kept in each House, and to be laid before the Inspectors.

Number of Curable Men.	Number of Incurable Men.	Number of Curable Women.	Number of Incurable Women.	Number of Men under Restraint.	Number of Women under Restraint.	General Remarks.

In Cases of Restraint the Necessity to be certified by the Physician, Surgeon, or Apothecary.

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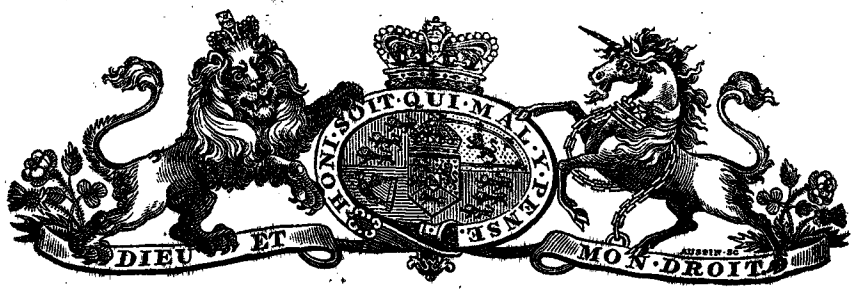

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXV.

An Act to protect Purchasers for valuable Consideration in *Ireland* against Judgments not revived or re-docketted within a limited Time.

[27th *June* 1828.]

WHEREAS great Difficulties are frequently found to arise in making out Title to Freehold Property in *Ireland*, by reason not only of the Number of old outstanding Judgments in the respective Courts of King's Bench, Common Pleas, and Exchequer, in that Part of the United Kingdom, appearing unsatisfied on Record, though considerable Numbers of the same have been actually paid off and discharged, but also by reason that in many Cases the Defendants in Judgments entered in the said Courts are not sufficiently described, so as to identify the Persons against whom such Judgments have been actually recovered, to the great Impediment of the due Transfer of such Freehold Property, and to the great Disquiet of Purchasers for valuable Considerations; and it is expedient that a Remedy be provided for the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Judgments which shall, after the passing of this Act, be entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, shall, after the Expiration of Twenty Years from the Date of the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof entered in the Manner herein-after provided, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration.

Judgments entered in the Courts in Ireland to be null and void unless re-docketted and entered within Twenty Years before the Execution of Conveyance of the Estate.

II. And

Judgments entered in the Courts within Twenty Years before the passing of this Act to be void unless revived according to the Practice of the Courts, &c.

II. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, within Twenty Years next before the passing of this Act, shall, after the Expiration of Twenty Years from the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof be entered in the Manner herein-after mentioned, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration, or within Five Years from the passing of this Act.

Judgments entered in the Courts 20 Years before the passing of this Act to be void unless Revival entered within Five Years from the passing of this Act.

III. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, Twenty Years or upwards next before the passing of this Act, shall be null and void as against all Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, whether their Purchases shall have been made before or after the passing of this Act, unless the same shall be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof be entered in the Manner herein-after mentioned, within Five Years from the passing of this Act.

Revivals of Judgments to be entered in a Book according to the Form in the Schedule.

IV. And be it further enacted, That when any Judgment shall be duly revived in any of the said Courts, according to the Course and Practice of the said Courts respectively, an Entry of such Revival shall, for the Purposes of this Act, be made in a Book to be kept for the Purpose by the proper Officer of each of the said Courts respectively, and which he is hereby directed and required to keep in the Manner and Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Revival of such Judgment, without producing the Judgment or Revivor thereof.

Affidavit to be made by the Attorney to the Party interested in any Judgment.

V. And be it further enacted, That in order to the Re-docketting for the Purposes of this Act of any Judgment entered or to be entered in any of the Courts aforesaid, an Affidavit shall be made by the Attorney employed by the Party or Parties legally or beneficially interested in said Judgment or some Part thereof, which Affidavit shall be in the Form or to the Effect set forth in the Schedule to this Act annexed, and shall be numbered by and filed with the proper Officer of the Court in which such Judgment is or shall be entered or recovered; and thereupon such Officer shall, on such Affidavit being presented to him, make or cause to be made an Entry in a Book to be kept for that Purpose, and which he is hereby directed and required to keep in Manner and according to the Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Re-

docketting of such Judgment within the Meaning and for the Purposes of this Act.

Sum to be paid for each Entry.

VI. And be it further enacted, That the Sum of Sixpence, and no more, shall be paid to the respective proper Officer of the said Courts for each such Entry so required to be made by him as aforesaid.

This Act not to extend to give Validity to any Judgment legally barred by Act 8 G. 1. (I.)

VII. And be it further enacted and provided, That nothing in this Act contained shall extend, or be construed or deemed or taken to extend, to set up or give Validity to any Judgment or Judgments which by the Lapse of Twenty Years from the Entry or Recovery thereof, without any Payment or Satisfaction being made on account, or any Proceeding being taken for Recovery thereof, is, are, or shall be legally or equitably extinguished and barred under and by virtue of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the more effectual quieting and securing Possessions, and preventing vexatious Suits at Law;* and that the Re-docketting of any such Judgment or Judgments in manner aforesaid shall not be taken or deemed or construed as a Revival thereof, but solely as a Proceeding for the Purposes of this Act.

Attorney to give the Officer a Description of the Parties, and their Places of Residence.

VIII. And for the Purpose of furnishing the Means in all Cases hereafter to identify the Parties to all Judgments in the Courts aforesaid; be it further enacted, That from and after the passing of this Act the Attorney employed for the Purpose of entering or making up any Judgment in any of the said Courts shall, previous to the entering thereof, deliver to the Officer whose Duty it is to cause such Judgments to be entered, a Note in Writing, stating the Degree, Quality, Profession or Trade, and also the Places of Residence, of the several Parties thereto; and thereupon such Officer shall make an Entry of the said Particulars in the Margin of the Roll of the said Judgment.

Officer not to be obliged to enter any Judgment until such Description is given.

IX. And be it further enacted, That no Officer shall be obliged to enter any Judgment on the Rolls of any of the said Courts, until such Note in Writing shall have been delivered to him as aforesaid; which Note he is hereby directed to file and keep; and if after having received the same, he shall neglect or refuse to enter the Particulars thereof in the Margin of the Roll of such Judgment, he shall forfeit and pay the Sum of Twenty Pounds to any Person suing for the same: Provided always, that no Neglect, Error, or Omission of any Officer of any of the said Courts, with respect to the entering, in the Margin of the Roll of any Judgment, of the Degree, Quality, Profession, Trade, or Place of Residence of any of the Parties to the said Judgment, shall in any Manner vitiate or affect the Validity of the same, or bind any Person except the Person against whom such Judgment was really obtained, and those deriving under him.

Not to affect any Judgment between the Parties thereto.

X. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner to affect or prejudice any Judgment whatsoever as between the Parties thereto, their Representatives, or those deriving as Volunteers under them.

SCHE-

SCHEDULES.

FORM of AFFIDAVIT referred to in this Act.

A. B. v. *C. D.*

A. B. of [*stating his registered Residence*], Attorney at Law, maketh Oath, and saith, That it appears by the Records of this Honourable Court that the above-named Plaintiff [*or* Plaintiffs] did in or as of Term, in the Year obtain a Judgment in this Honourable Court against the above-named Defendant [*or* Defendants] for the Sum of which Judgment is entered upon the Roll of the said Term and Year, and Number . And this Deponent further saith, That he hath been employed by [*or* on behalf of] *C. D.* whom he believes to be legally or beneficially entitled to or interested in the said Judgment, or some Part thereof, for the Purpose of re-docketting the same, pursuant to an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*].

FORM of REVIVAL BOOK referred to by this Act.

Date of Revival.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf revived.	Name and registered Residence of the Attorney to the Revival.

FORM of RE-DOCKETTING BOOK referred to in this Act.

Date of re-docketting.	Number of Affidavit.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf re-docketted.	Name and registered Residence of Attorney re-docketting.

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ANNO NONO

GEORGII IV. REGIS.

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C A P. XXXVI.

An Act for continuing to His Majesty for One Year certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and twenty-eight.

[27th *June* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties on Sugar, Brown or Muscavado, or Clayed, not being refined, which by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to alter and amend the several Laws relating to the Customs*, and by a Table contained in the said Act, were made payable until the Fifth Day of *July* One thousand eight hundred and twenty-seven, and which have been continued and are in force until the Fifth Day of *July* One thousand eight hundred and twenty-eight, shall be and the same are hereby continued from and after the Expiration of the Time limited as afore-

Duties imposed on Sugar by 7 G.4. c.48. further continued until 5th July 1829.

4 L said,

said, until the Fifth Day of *July* One thousand eight hundred and twenty-nine.

Monies paid into the Exchequer under this Act shall be entered separate from other Payments.

II. And be it further enacted, That there shall be provided and kept in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, One Book of Register, in which all the Money that shall be paid into the said Exchequer from so much of the said Rates and Duties hereby granted or continued on Sugar as shall arise and be payable in *Great Britain* shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty; and that it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and that so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer there, and shall be carried to the Consolidated Fund.

The Treasury may direct Exchequer Bills to be made out, not exceeding 3,000,000*l*.

III. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

48 G. 3. c. 1.

Powers of 48 G. 3. c. 1. extended to this Act.

IV. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act made in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear an Interest not exceeding 4 per Cent.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance Money on the Credit of this Act.

VI. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; any thing in an Act made in the Fifth and Sixth Years of

the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be placed as Cash in the Exchequer;

VII. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be placed as so much Cash in the respective Offices of the Tellers of the said Receipt of Exchequer; each and every of which Tellers shall be severally charged with a Proportion of the said Bills which shall be so placed in his Office respectively; any Law or Usage to the contrary notwithstanding.

and to be issuable thereout in common with other Monies.

VIII. And be it further enacted and declared, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash, according to the Course of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and that it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills to be charged on the Duties granted by this Act.

IX. Provided always, and be it further enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall be and the same are hereby made chargeable and charged upon the Rates, Duties, and Assessments granted by this Act; and it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized, from Time to Time to direct to be issued to the said Paymasters, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary, for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills, and for and towards the Charge of exchanging and circulating the same Bills or any of them.

Account of Exchequer Bills to be taken.

X. And be it further enacted, That on the Fifth Day of *July* One thousand eight hundred and twenty-nine, or within Ten Days after, the said Commissioners of the Treasury or any Three or more of them now being, or the Lord High Treasurer or any Three or more of the said Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, shall cause a true and perfect

perfect Account in Writing to be taken and attested by the proper Officers, of the Amount of all Exchequer Bills that shall have been issued by virtue of this Act, and how much thereof shall before that Time have been paid off or discharged, and how much thereof shall then remain undischarged.

Money due on Exchequer Bills to be paid out of the next Aids.

XI. And be it further enacted and declared, That the Monies so remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, and the Charges of exchanging and circulating the same, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the said Fifth Day of *July* One thousand eight hundred and twenty-nine.

Surplus Monies to be carried to Consolidated Fund.

XII. And be it further enacted, That the Surplus of the Monies arising from the Rates, Duties, and Assessments granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall, as the Surplus of any such Monies respectively shall be paid into the Receipt of the Exchequer at *Westminster*, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Treasury to allow, out of the Consolidated Fund, the necessary Charges of making forth new Exchequer Bills;

XIII. Provided also, and be it enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury or any Three or more of them now being, or the said Lord High Treasurer or any Three or more of the said Commissioners of the Treasury for the Time being, and he or they is and are hereby authorized and empowered, to pay and allow, or cause to be paid and allowed, out of the Monies to arise of or for the said Rates and Duties hereby granted, or of or for the said Consolidated Fund, from Time to Time, the necessary Charges of making forth the new Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident in or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

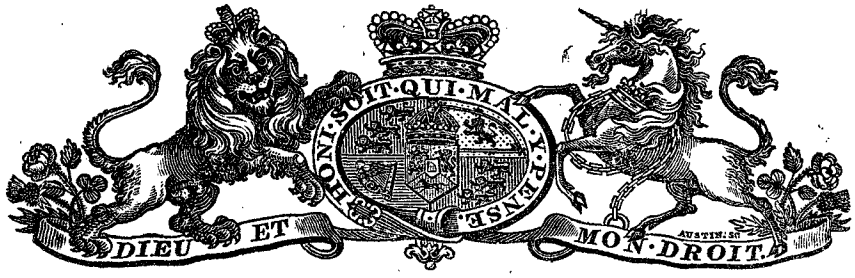
to be replaced out of the first Supplies.

XIV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thenafter granted in Parliament; any thing herein contained to the contrary notwithstanding.

Act may be altered or repealed this Session.

XV. Provided always, and be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be made in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXVII.

An Act to amend an Act of the First and Second Years of His present Majesty, for preventing Depredations within the Jurisdiction of the Cinque Ports, and for the Adjustment of Salvage; and for giving further Powers to the Deputy Warden of the Cinque Ports and Lieutenant of *Dovor Castle*. [27th *June* 1828.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Ship Owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen* Anne, Power is given to the Lord Warden of the Cinque Ports to nominate and appoint, in the Manner therein directed, Persons in each of the Cinque Ports, Two ancient Towns and their Members, to adjust and determine Differences relative to Salvage, and for the other Purposes in the said Act mentioned: And whereas it is expedient and necessary that the Powers given by the said Act to the said Lord Warden should be also exercised by the Deputy Warden of the Cinque Ports and Lieutenant of *Dover Castle*: 1&2G.4.c.76.

Castle: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Deputy Warden of the Cinque Ports and Lieutenant of *Dover Castle* for the Time being, and he is hereby authorized and empowered, to nominate and appoint such Commissioners, and to have the same Power, and to do all other Acts, Matters, and Things contained in the said recited Act, as the Lord Warden of the Cinque Ports for the Time being can or may do.

The Deputy Warden may appoint Salvage Commissioners, &c.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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C A P. XXXVIII.

An *Act* for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited.

[27th *June* 1828.]

WHEREAS it is expedient to rectify Mistakes made in the naming or describing Persons appointed Commissioners by an Act made in the last Session of Parliament, intituled *An Act to appoint Commissioners for carrying into Execution several* 7 & 8 G. 4.
Acts, granting an Aid to His Majesty by a Land Tax to be raised in c. 75.
Great Britain, *and continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions, in* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons herein-after named shall and may and are hereby empowered and authorized to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties and Places of *Great Britain* herein-after severally and

respec-

respectively mentioned and expressed, as if they had been named with the other Commissioners in the said Act of the last Session of Parliament, and properly described therein; (that is to say),

For the Rest of the County of Bedford.

William Hugh Wade Geary, Hugh Wade Geary *junior*, *Clerk*, Robert Geary *Clerk*, Robert Elliott.

For the Town of Buckingham, *with* Borton, Borton Hold, Prebend End, *and* Lendborough.

The Marquis of Chandos, *Sir* Thomas Francis Fremantle *Baronet*, Isaac Shortland Bartlett, Philip Bartlett, Thomas Bartlett, Edward Bartlett, Thomas Hearn.

For the County of Bucks.

The Marquis of Chandos, *Sir* Thomas Cotton Sheppard *Baronet*, *Sir* George Warrender *Baronet*, John Barker, Thomas Deverell, Thomas Hayton *Clerk*, Alexander Lockhart *Clerk*, John Newman, Joseph Rose, John White *Clerk*, Robert Wheeler, Thomas Wheeler, Edward Newton Young *Clerk*, Charles Hughes *Clerk*, John Willis *Clerk*, John Francklin, Israel Bull *Clerk*, *Sir* Thomas Francis Fremantle *Baronet*, Joseph Richard Causton, William Cox, Philip Dauncey, John Grant, Henry Hanmer, Charles Hedges *Clerk*, James Horseman *Clerk*, Joseph Lucas *the younger*, William Selby Lowndes *the younger*, John Rich *Clerk*, Thomas Sanders, Philip Strong *Clerk*, John White *Clerk*, William Bruton Wroth *Clerk*, *the Reverend* John Coker *Clerk*, *the Reverend* John Robert Pigott *Clerk*.

For the Town of Cambridge.

Field Dunn Barker, Thomas Fuklin, Henry Marshall, Frederick Sharpe, Patrick Beales, Charles Clayton, James Adcock, Richard Rowley, George Warren *senior*, William Wilkins, Charles Finch Foster, George Fisher, George Salmon, Charles Bridge, Joshua Barker, Samuel Cooke, William Reed.

For the Isle of Ely.

Richard Bunbury Dawbarn, John Dowson, Nathan Gray, Robert Hardwicke *Doctor of Medicine*, Charles Jecks, George Leonard Jenyns *Clerk*, Thomas Conway Warth Seymour *Clerk*, Abraham Ulyat, Richard Baxter, John Bellamy, Charles Boucher, Thomas Bowker, James Tobias Cooke *Clerk*, Thomas Alderson Cooke, Francis Daubeny *Clerk*, Robert Gaye, John Girdlestone, Thomas Pattison Holmes *Clerk*, John Hurlock *of* Ely Trinity, John Hurlock *of* Ely Saint Mary, Edward Jackson, William Goddard Jackson, Robert Jarrold King *Clerk*, William Lee, Robert Hutchinson Lewin, George Life, Thomas Life, John Richardson Major *Clerk*, Thomas Marriott *junior*, John Marshall *junior*, William Marshall, Charles Metcalfe *junior*, George Morris (*Royal Navy*), Henry James Nicholls *junior*, Richard Orton *junior*, William Orton, John Peck, Henry Pigott,

Pigott, Algernon Peckover, G. Pigott, Henry Rogby, William Slator, Edward Sparke, Stephen Stanton, Spelman Swaine *R. N.*, William Swansborough, Joseph Taylor, Richard Greaves Townley, William Gale Townley *Clerk*, James Usill, Henry William Ward, Thomas Steed Watson, Thomas Steed Watson *junior*, James Watson *junior*, John Rose Weatherhead, Thomas Wilkins, Cheeseman Williamson, John Wing *Clerk*.

For the Rest of the County of Cambridge.

Stanlake Batson, John Peter Allix, George De Hague *Clerk*, Edmund Fisher *Clerk*, William Parker Hamond, Francis Dayrell, George Leonard Jenyns *Clerk*, George Pearson *Clerk*, James Rickard Barker, Nicholas Isaac Hill *Clerk*, James Drage Merest *of* Soham, William Henry Cheere, Frederick Cheere, George Cheere, Alexander Scott Abbott, John Ingle, William Wright *Clerk*, Aaron Chevill, Charles Hammond *junior*, William Crole Carver, William Hurrell *junior*, William Hurrell *of* Foxton, William Hurrell *of* Newton, Swann Hurrell, William Leworthy *Clerk*, William Mortlock *of* Meldreth, Charles Reynell *Clerk*, Joseph Pattisson Wedd, John Brigham Wiles, William Nash Woodham, Samuel Cantherley *Clerk*, William Prior Johnson, Henry Headly *of* Shelford, Tempest Leete, Joseph Tickell, James Dickason, Henry Hawkins, Thomas Prime, Peter Grain *junior*, James Nutter, Thomas Howard, *the Reverend* William Clarke, *the Reverend* John Cheap, *Lieutenant Colonel* George Edward Graham Foster Piggott.

For the County of Chester.

The Honourable George Vernon *of* Poynton, Gibbs Crauford Antrobus *of* Eaton, Philip Antrobus *of* Bollington, John Astley *of* Bollington, George Astley *of* Bollington, Joseph Hudson Beswick *of* Over Alderley, Walter Davenport Bromley *of* Henbury, John Rowlls Browne *of* Butley, David Browne *of* Macclesfield, Peter Browne *of* Macclesfield, John Brocklehurst *of* Macclesfield, Frederick Brandt *of* Gawsworth, Joseph Cooke *Clerk*, *of* Macclesfield, William Cruttenden Cruttenden *Clerk*, *of* Macclesfield, William Clayton *of* Adlington, David Shaw Clayton *of* Worth, John Daintry *of* North Rode, John Darcey *Clerk*, *of* Marton, William Binley Dickenson *of* Macclesfield, John Baskervyle Glegg *of* Old Withington, Lawrence Heapy *Clerk*, *of* Macclesfield, Thomas Hibbert *of* Over Alderley, Jasper Hulley *of* Rainow, Foster Bower Jodrell *of* Henbury, John Bower Jodrell *of* Henbury, Francis Jodrell *the younger*, *of* Henbury, Thomas Legh *of* Adlington, Thomas Legh *of* Lyme, *the Mayor*, *Recorder*, *and Capital Burgesses of the Borough of* Macclesfield *for the Time being*, *the Prime Curate of the Parochial Chapel of* Macclesfield *for the Time being*, Francis Newbold *of* Macclesfield, Francis Stonehewer Newbold *Clerk*, *of* Shrigley, Samuel Pearson *of* Buglawton, Nathaniel Pearson *of* Macclesfield, John Robinson *of* Gawsworth, John Ryle *of* Macclesfield, Thomas Slack *M.D.*, *of* Macclesfield, Edward John Stanley *of* Nether Alderley, William Owen Stanley *of* Nether Alderley, John Stansfield *of* Macclesfield, Samuel Stone *of* Macclesfield, Thomas Swanwick *of* Macclesfield, John Powell Swanwick *of* Macclesfield,

field, William Taylor *of* Macclesfield, William Turner *of* Shrigley, Charles Wood *of* Macclesfield, Richard Wood *of* Tytherington, Joseph Wilde *of* Macclesfield, George Wright *of* Macclesfield, Henry Wright *Clerk*, William Henry Prescot *Clerk*, Joseph Bellott, James Gee, Thomas Marsland, John Egerton Killer, Joshua Bruckshaw, Roger Rowson Lingard, Robert Lithe *Clerk*, John Wright, John Kenyon Winterbottom, Thomas Newton Lynch, Sidney Cotton, Roger Dutton Grafton, Robert Bulkeley Orton *of* Tattenhall, William Webster *of* Upton, Richard Massey *of* Moston Hall, Richard Puleston, George Becher Bloomfield *Clerk*, Samuel Rowe *of* Malpas, Thomas Large *of* Malpas, George Walmesley, Charles Butler Stevenson *Clerk*, John Lingard *Clerk*.

For the County of Cornwall.

The Reverend John Rowe.

For the County of Cumberland.

Thomas Benson, John Benson *the younger*, Fretcheville Lawson Ballantine Dykes, Joseph Ballantine Dykes *Clerk*, Edward Fawcett *Clerk*, John Sanderson Fisher *the younger*, James Head *Clerk*, Joseph Huddleston *of* Maryport, John Hodgson *of* Cockermouth, Wilfrid Lawson, William Senhouse, William Wybergh, John Wybergh, Peter Wybergh, Christopher Hilton Wybergh *of* Isell Vicarage, *Clerk*, William Wood, John Peile *of* Whitehaven, John Benn *of* Whitehaven, Joseph Gunson *of* Whitehaven, Peter Hodgson *of* Whitehaven, William Jackson *Clerk*, *of* Whitehaven, William Younghusband *of* Whitehaven, Joseph Burrow *of* Carlton, John Watson *of* Mosser, William Fox *of* Saint Bees, John Walker *of* Maryport, Joseph Parkin *of* Seaton, John Peat *of* Seaton, John Huddleston *of* Rainers, Kelswick Wood *of* Maryport, Nathaniel Nicholson, Benjamin Jackson *of* Alston, *Clerk*.

For the County of Derby.

Thomas Freer *of* Cauldwell.

For the County of Devon.

William Langmead, John Lyne Templer, George William Soltan, Edward Tolcher, James Longmore *Clerk*, James King, Thomas Lockyer, Thomas Splatt, William Hales Symons, Paul Ourry Treby, *Sir* William Templer Pole *Baronet*, *Sir* John Wilmot Prideaux *Baronet*, Robert Cutcliffe *Clerk*, John Gaius Coplestone *Clerk*, Charles Gordon, Frederick Barnes *Doctor of Divinity*, William Guppy, John George Pole, William Michell, Henry Michell, William Salter, James Smith Townsend *Clerk*, Barnaby John Stuckey Bartlett, John Sampson, William Meade Smyth, William Payne, John Impey, Francis Horatio Nelson Drake, John Snook, Oliver Rowse *Clerk*, John Law *Clerk*, Lewis Risdon Hassett, George Lewis Coham, John Vowler, Richard Pridham, Henry Woollcombe, Richard Arthur, Joseph Whiteford, William Adams Welsford, William Henry Hawker, Benjamin Fuge, Samuel Palmer, John Finche *junior*, Andrew Finche *Clerk*, John Henry Hippisley Tuckfield, Richard Charles Hippisley

Tuckfield, Peter Comyns Tucker *Clerk*, *Sir* Arthur Chichester *Baronet*, Zachary Hammett Drake *junior*, Charles Cutcliffe Drake, James Gordon Morgan *M.D.*, Charles Burton Sweet *Clerk*, John Whittington Ready Landon, William Karslake *of* Dolton, *Clerk*, James Buckingham *of* Burrington, *Clerk*, William Palmer Stawell *of* Highbickington, *Clerk*, Peter Johnson *of* Wemworthy, *Clerk*, William John Clark, George Tito Brice, Villiers Henry Plantagenet Somerset *Clerk*, *the Mayor*, *Recorder*, *and Aldermen of the Borough of* Plymouth, Stephen Hammick, Bartholomew Dunsterville, John Hawker, Henry Woolcombe, John Pridham.

For the County of Dorset.

John Morton Colson *Clerk*, *of* Dorchester, Henry Davis *Clerk*, Joseph Goodenough *Clerk*, Joseph Goodenough, David Davis *Clerk*, James Henning, Percival North Bastard, Thomas Lane Fox *Clerk*, Frederick Ryves, John James Golden Dowland.

For the County of Durham.

Henry Allison, William Allison, Richard Bowser, John Bourne, Richard Byron, William Chaytor, William Pryce Cumby, Robert Colling, John Colling, Robert Moses Dinsdale, Thomas Henry Faber, *Sir* Henry Hardinge, Frederick Hardinge, Charles Lyon, Warren Maude, Robert William Mills, Frederick Mundy *Clerk*, *Sir* John Penistone Milbanke, John Ord, Thomas Ord, James O'Callaghan, Ralph Page, Robert Pescot, William Russell, Cuthbert Rippon, Thomas Pickering Robinson, Thomas Freshfield Scarth, Luke Seymour, Robert Sheraton, Richard Spencely, William Sheraton, Thomas Stamp, Henry Shadforth, Thomas Sherwood, Henry Witham, William Loyd Wharton, George Hutton Wilkinson, James Crow, William Clementson *Clerk*, Fielding *Clerk*, John Fogg, Samuel Gamlen *Clerk*, George Macfarlan *Clerk*, Thomas Peacock *Clerk*, William Richmond, Richard Thompson *Clerk*, William Wetherell.

For the West Riding of the County of York.

Ralph Markland, Griffith Wright, Henry Brown, Samuel Fozard Harrison, William Sharp, Charles Harris, Joshua Pollard, John Hustler *senior*, *the Reverend* Henry Heap, *the Reverend* G. Blackburne, Richard Drake, J. G. A. Drake, Robert Carr, John Egremont *junior*, Abram Greenwood, J. Beswicke Greenwood, Robert Goodenough, Peter Heywood, John Hardcastle, William Leatham, Richard Nichols, Squire Statter, *the Reverend* William Snowden, *the Reverend* Thomas Westmoreland, Joseph Wood, George Westerman, John Harrison, William Beckett, Robert Oliver Gascoigne, Thomas Oliver Gascoigne, Robert Oliver Gascoigne *junior*, John Hill, William Prest, Charles Barr, *the Honourable and Reverend* A. H. Cathcart, *the Honourable Sir* Edward Vavasour *Baronet*, Thomas L. Fairfax, Thomas L. Fairfax *junior*, *the Reverend* J. Landon, *the Reverend* Wilkinson, Thomas Blayds, *Sir* Thomas Slingsby *Baronet*, Thomas Rawson, Henry Mitton *Clerk*, William Sheepshanks, Joseph Clarke,

Clarke, Robert Elmhirst, Francis Hendray, John Greenwood, William Shepherd, William Clarke, Luke Thomas Crossley, Joseph Becket, John Staniforth Becket.

For the North Riding of the County of York.

William Gray, Henry Ramsden *Clerk*, William Preston *Clerk*, John Agar, Henry Brewster Darley, *the Honourable* Boswell, George Strickland, Francis Simpson *Clerk*, George Stainforth, Richard John Stainforth, William Henry Budston Read, Thomas Henry Place, William Croft, William Charles Harland, *the Reverend* Edmund Gray, *the Reverend* Thomas Young, Robert Petch, Joseph Shepherd, William Worsley, Henry Leatham, Thomas Whytehead, James Hebden, John Walker, John Walker *junior*, John Bunn, William Chapman, Edward Chapman, Harrison Chilton, John Campion *Banker*, William Darley, Thomas Fishburn, John Holt, Thomas Simpson, James Wilson, Richard Moorsom, Richard Moorsom *junior*, *the Reverend* Peter Ewart *Rector of* Kirklington, John Delaval *Earl of* Tyrconnel, *the Reverend* James Hall *Rector of* West Tanfield, George Hutchinson *of* West Tanfield, William Tettlow *of* Asenby, Richard Blanshard, Richard William Christopher Peirse, Gray Rigge, John Ainsley, Francis Philip Bedingfeld, George Burdon, Henry John Duncombe *Clerk*, William Beckwith Dighton, Francis Dighton, John Jefferson, John Whitney Smith, George Townsend *Clerk*, Henry Tower Montagu, John Wynyard *Clerk*, Benjamin John Wetherell.

For the East Riding of the County of York.

The Right Honourable Lord Macdonald, Edward Ashley *Clerk*, Charles Barker *Clerk*, John Maister, George Liddell, Henry Estonteville Grimston.

For the Town of Colchester.

Sir George Henry Smyth *Baronet*, Philip Bayles, Charles Hewitt, George Preston, John Morgan, William Marwood Tucker, Joseph Round, Philip Strong, Edward Crosse *Clerk*, Robert Tabor, James Halls, John Savill, James Allen, Francis Smythies, Charles Parker, James William Mason, John Mann, George Roddan *M.D.*, William Downes, John Cooper, Robert Skitter, William Hawkins, Abednego Bland, Abraham Garrad, Samuel Daniell, John Hudson Theobald, George Round, John Fletcher Mills, Thomas Joseph Turner, Samuel Bawtree, Alexander F Miller, Richard Patmore, Horatio Perkins, Roger Nunn *M.D.*, James Buxton, George Savill, William Mason, Daniel Oathwaite Blyth, Bartholomew Brown, Stephen Brown, Joshua Pattison, William Wallis Francis, George Errington, John Dehorne, John Oliver Carr, Robert Swinborne, William Fenton, John Posford Osborne, Thomas Taylor, William Bland, George Firmin, Francis Lewis.

For the Rest of the County of Essex.

Edward Robert Earle *Clerk*, Andrew Hatt *Clerk*, Henry Soames *Clerk*, Charles Walker, James Westerman *Clerk*, Henry Penruddocke Wyndham *Clerk*.

For the County of Gloucester.

John Harvey Ollney, Robert Mansel, George Stevenson, Joseph Ellis Viner, Edward Howell, Thomas Marriott, Pearson Thompson, Thomas Reddall Haycock, George Christopher Hayward *Clerk*, William Playne, *the Honourable* Henry George Francis Moreton, William Playne *junior*, Samuel Albin Saunders, John Hinde Pelly, John Lewis, Edward Wilbraham *junior*, James Young, James Young *junior*, Samuel Lysons, William Crowdy, James Lewis, William Munro, John Cave, Daniel Cave, George Worrall, Valentine Jones Græme, John Scandrett Harford, Henry Wenman Newman, Abraham Gray, Harford Battersby, Thomas Daniel *junior*, William Goldney, John Haythorne *junior*, William Parsons Haythorne, Philip Vaughan, Henry Charles Harford, James Graves Russell, Charles Anthony Partridge, Thomas Daniel, *Sir* Henry Cann Lippincott *Baronet*, Samuel Whittuck.

For the Rest of the County of Hereford.

The Reverend Thomas Alban, Francis Jenks Burlton, William George Cherry, Richard Davies Evans, Hugh Aythan Lewes, *the Reverend* John Thomas, Thomas Perry, John Wilson, William Smith *of* Whitbourn Court, *the Reverend* Thomas H. Biggs *of* Whitbourn Court, Edmund Higginson *of* Saltmarsh, Henry Barnett *of* Walford, William Clifford *of* Eaton Tregoes, Henry Clifford *of* Eaton Tregoes, Kingsmill Evans *of* Walford, Richard Evans *M.D.*, *of* Ross, Richard Hereford *of* Mordiford, W. H. Gwillim *of* Woolhope, Aurther Matthews *Clerk*, *of* Linton, William Stock *of* Putley, Robert Strong *Clerk*, *of* Brampton Abbotts, Thomas Winnall *of* Weston-under-Penyard, Robert Keyes Holder *Clerk*, *of* Ross.

For the Rest of the County of Hertford.

Albany Carrington Bond *of* Great Amwell, Hertfordshire, Thomas Daniell, William Dent, *the Reverend* Thomas Pickthall, *the Reverend* William Archibald Armstrong, *the Reverend* Thomas Lloyd, Thomas Byron, *the Honourable and Reverend* Robert Eden, *the Reverend* Robert George Baker, Samuel George Smith, *the Reverend* John Peacock Byde, *the Right Honourable Sir* Gore Ouseley *Baronet*, Thomas Neatby Haggar, Samuel Pryor, Edward Waller, John Currie, George Brassey, *the Reverend* Edward Bourcher, John Fordham *of* Kelshall.

For the Town of Huntingdon.

David Veasy *junior*, Charles Veasy.

For the Rest of the County of Huntingdon.

Jonathan Adams *Surgeon*, *of* Saint Neots, Robert Wetham Alpress *of* Saint Ives, Charles Banks *of* Saint Neots, *Captain* Green *of* Buckden, John Julian *of* Bury, William Ladds *senior*, *of* Ellington, John Howson Ladds, William Ladds *the younger*, *of* Ellington, Frederick Welstead *of* Stonely, William Wiles *Merchant*, *of* Saint Neots,

Neots, *the Reverend* Thomas Charles Brown, Anthony Mead Darnell, Robert Hanslip, Martin Rawling Osborne, *the Reverend* Cuthbert Johnson Baines, *Reverend* Robinson Shuttleworth Barton, *the Reverend* John Bligh, *the Reverend* Archibald Campbell, *the Reverend* George Hardolph Eyre, *the Reverend* Richard Hinde, *the Reverend* John Thomas Huntley, *the Reverend* Henson Ladds, *the Honourable Lord Viscount* Mandeville, *the Honourable Lord* William Francis Montagu, *the Reverend* Robert Atkins Nash, Frederick Welstead, *the Reverend* J. Proctor *D.D.*, *the Reverend* John Warren, *the Reverend* William Bissill, Thomas Johnson, *the Reverend* Samuel Cooper, Charles Madryll Cheere, William Henry Fellowes *junior*, John Julian.

For the Town and Liberty of Dovor.

William Rastall Dickenson, Richard Jell, *the Reverend* Francis Barrow, James Tricothick, Paul Sandby Munn, Joseph Tayler, Joshua Waddington, John Boys.

For the Town of Folkstone.

George Drew.

For the Rest of the County of Kent.

Edward Allen Fordham, Samuel Tufnell Barrett, Jacob George Bryant, *the Reverend* William Henry Drage, John Griffiths *D.D.*, Edward Manclark, Thomas Manclark, Robert Gunning, Jeremiah Rosher, John Penn, James Moze, John Atkins *junior*, Farmer Bailey, Charles Brooke, William Grassett, Henry Thomas Lane, John Madan Maitland, *Sir* Richard Henry Charles Rycroft *Baronet*, Thomas Selby *of* Otford Castle, Philip Sidney, Charles Warren, *the Reverend* John Thomas Wilgress, Edward Whittaker *of* Mariners.

For the County Palatine of Lancaster.

William Ackers *of* Prescot, John Worrall *of* West Derby, Joseph Feilden *of* Witton, Thomas Henry Backhouse *Clerk, M.A.*, Jackson Porter *Clerk, M.A.*, Daye Barker *junior*, John Lewthwaite, Stott Park, Robert Postlethwaite *of* Broughton, Reginald Remington, Thomas Remington, Henry Remington, Graye Rigge, William Millers *Clerk*, Edward Braddyll, Paul Catterall, Peter Catterall, Edward Ball, Gervase Alexander *M.D.*, James William Farington *Clerk*, Charles Chadwick *of* Healy Hall, Lawrence Newall, James Royds, Charles Royds *Clerk*, John Milne *of* Clayfane, James Taylor *of* Rochdale, George Holt, John Kershaw, John Midgley, Edmund Bamford, Joseph Fletcher, John Feilden, Robert Feilden, William Feilden, Randle Henry Feilden, John Feilden *junior*.

For the Rest of the County of Leicester.

C R Thoroton *Clerk*, Richard Etough *D.D.*, George Faithful *Clerk*, Henry Dixon, Otho Manners, Andrew Hamilton *Clerk*, Lord Forrester, George Gordon *Clerk*, Henry Wilson Salmon

Clerk, J B Hildebrand *Clerk*, *the Honourable* William Powlett, John Hutton *Clerk*, William Greenwood *Clerk*, John Moore *of* Appleby, Charles Wright *of* Bosworth, Richard Smith Sutton *of* Chinn.

For the County of Lincoln, *with the City and County of the City of* Lincoln.

The Honourable George Anderson Pelham, Charles D. Barnard *Clerk*, John Preston, Rowland Bowstead *Clerk*, William Mounsey *Clerk*, Samuel Turner *junior*, *Clerk*, Thomas John Dixon, John Tufnel, John William Barton, Edward Weston, Charles F. Weston *Clerk*, William Grantham, James Walter *Clerk*, John Holt *Clerk*, Philip Skipworth *of* Aylesby, Richard Nainby, John Parkinson *Clerk*, John Gedge *Clerk*, George M. Holiwell *Clerk*, George M Allington, Bushel Amningson, Robert Johnson, Richard Atkinson *Clerk*, James Green Dixon, George Skipworth, William Skipworth, Philip Skipworth *of* South Kelsey, Thomas Houldsworth *Clerk*, Samuel Byron, John Iles, Francis Iles, William J. Corbett, John Alington *Clerk*, Henry Alington, *the Reverend* John Mounsey, *the Reverend* John Bainbridge Smith, *the Reverend* Francis Charles Massingberd, *the Reverend* William Matthews Pierce, John Stephen Langton *of* Langton Hall, John Calthrop *of* West Ashby, John Brackenbury *of* Horncastle, *the Reverend* William Goodenough, Marcham Le Fen, *the Reverend* Barnardiston Forrester Fowler *of* Asterby, Benjamin Grant *of* Scamblesby, *the Reverend* John Loft *of* Market Stainton, *the Reverend* William Forge *of* Hameringham, *the Reverend* George Street *of* Langton, Charles Godfrey Mundy *of* Ormsby, *the Reverend* George Clayton Tennyson *LL.D.*, *of* Somersby, William Lowther Sisson *Clerk*, Felix Laurent *Clerk*, Henry Rycroft *Clerk*, William Mason *Clerk*, George Street *Clerk*.

For the City of London.

James Burgh *junior*, *Little Bartholomew Close*, Henry Marriott *Fleet Street*.

For the City of Westminster *and Liberties thereof, and Offices executed in* Westminster Hall.

Thomas Stilwell, Thomas Hudson, Henry Belward Ray, John Crowther *Regent Street*, Francis Pontet *Pall Mall*, George Raggett *Saint James' Street*, Robert Whittingham *of Piccadilly*, John William Hunt *of Jermyn Street*, George Hunt *of Piccadilly*, Thomas Ponsonby *of Regent Street*, Stephen Howis *of Jermyn Street*, William Yarrell *of Ryder Street*, *the Reverend* John Giffard Ward *Rectory House, Saint James'*, John Pringle *of Regent Street*, George Barclay *of Regent Street*, Henry Smith Cafe *of Great Malborough Street*, John Ladley *of Old Burlington Street*, Thomas Townsend *of Charles Street*, William Payne *of Jermyn Street*, John Hamilton Reynolds *of Golden Square*, William Aldous *of Oxford Street*, Joseph Cantwell *junior*, *of Great Malborough Street*, James Taylor *of Brewer Street*,

John Gabriel Thomas Hamilton *of Berwick Street, Soho*, George Burnard *of Clifford Street, Bond Street*, John Warren *of Cannon Row, Westminster*, Joseph Gwilt *of Abingdon Street*.

For the Rest of the County of Middlesex.

William Abbs, Joseph Acott *R.N.*, Thomas Abbot, John Aitken, Thomas Arber, Patrick Bartlet, James Bartlet *M.D.*, Ralph Carr, Joseph Darby, Thomas Dimsdale, David Ellis, John Garrard Elgood, Thomas Gaskell, John Gabriel Thomas Hamilton, Nathaniel Harden, Robert Hay, Sampson Hodgkinson, Andrew Hopegood, Charles Jearrad, George Thomas Keyes, John Liddell, William Lucas, Felix Niel, Joseph Nutting, James Parlett, Thomas Rhodes *junior*, Thomas Steward, Thomas Francis Steward, William Thomson, Fletcher Wilson, John Restall, Jesse Cullum, John Buckle, Abraham Carter, John Mac Lachlan, John Middleton, Joseph Yellowley, Samuel Owtram Bacon, John Burnell *junior*, John Musgrove, Charles Richard Dames, John Hillson Giles, Thomas Higgs, Robert Woodcock, Samuel Pedley, John Warmington, Charles Horton Pulley, James Day, Richard Smith *of* Poplar, William Mitchell, Charles William Hyatt Foster, James Marshall, Thomas Flight, Joseph Merceron, William Stutfield, Joseph Watson, John Whitling, James Beek, Thomas Daplyn, William Goodings, Thomas Longbotham, Richard Stilwell, Stephen Allen Witherden, John Harvey, John Berger, Samuel Berger, William Varty, William Amory, Robert Hanbury, John Clark Powell, James Powell, John Cranen, John Birkett, Charles Wertfield, Joseph Pulley *junior*, Richard Twining, William Nethersole, Robert Norton, Thomas Stilwell, Nathaniel Stallwood, John Bachee, Abraham Carter, John Middleton, James Agar, Alexander Balmanno, Henry Buckle, Charles Snell Chauncy, *the Reverend* John Goodge Foyster, Thomas Gibbes, Charles Green, Henry Heath, Charles Lambert, John Main, William Henry Matthew *M.D.*, *the Reverend* James Moore *LL.D.*, William Northage, Alexander Orme, Cosmo Orme, George Palmer, Jacob William Robins, Samuel Seaman, Robert Tate, John Webb, Josiah Bradshaw *of* Islington, Benjamin Cooke Griffinhoofe *of* Kentish Town, Benjamin Goode *of* Howland Street, Philip Goode *of* Howland Street, John Hall *of* Kentish Town, Charles Hamer Hill *of* Islington, George Kilgour *of* Islington, William Minshull *of* Kentish Town, William Pontifex *of* Kentish Town, Walter Richardson *of* Maida Hill, Charles Frederick Collins, Robert Winter, Robert Blemell Pollard, Thomas Lintott, William Townsend *of* Holloway, Samuel Berger, Charles Hamilton, David Chambers, Richard Loosley, Robert Webber, Richard Winstanley, John Strange Winstanley, Thomas Challis.

For the County of Monmouth.

Charles H. Croft *of* Trevethin, Robert Farquhar *of* Trevethin, James Hunt *of* Trevethin, George Lawrence *of* Trevethin, *Major* Digby Mackworth *of* Trevethin, Frederick Hanbury Williams, William Kinsey, Watkin Homfray, *the Reverend* George William Gabb, *the Reverend* Henry George Talbot, *the Reverend* Richard Roberts,

the Reverend Thomas Williams, John Williams *of* Penrose, Alexander Waddington *of* Usk, Charles Wheeley, William Steele, Richard Baker, Thomas Phillips *junior*, *of* Newport, William Williams *of* Newport.

For the City and County of the City of Norwich.

Thomas Howes Allen, Bell Cook *Clerk*, George Carter *Clerk*, John Pigney Garrad, Hunton Jackson, John Norgate, George Norris *Clerk*, William Frederick Patteson, Robert Plummer, George Stacy, George Stacy *the younger*, John Stacy, William Stacy, Arthur Bayfield, James Brown *Clerk*, Samuel Bullen, Benjamin Bunting, James Deacon *Clerk*, Robert Hubbard, Robert Pigg, William Pigg, Charles John West, George Woodhouse.

For the County of Norfolk.

William Bircham, John Bedingfeld Collyer, Peter le Neve Foster, James Ward *D.D.*, *of* Coltishall, William Earle Lytton Bulwer *of* Heydon, Charles Kent *of* Marsham, William Brooke, William Wenman, Henry Langton *Clerk*, John Ambrose Tickell, John Orris, Robert Orris, William Loades Rix, *Sir* Jacob Astley *Baronet*, *Sir* Harson Berney *Baronet*, Ellis Burroughes *Clerk*, Ellis Burroughes *junior*, *Clerk*, Henry Birkbeck, William Earle Lytton Bulwer, John Turner Graver Browne, Thomas Starling Buckle *Clerk*, Richard Crawshay, Edward Palmer Clarke, Jeremy Day *Clerk*, William Daniel, Henry Francis, George D Graver, Edward Case Gilman, Thomas Grover, Robert Hurnard, George Browne Leak Knight, Thomas Kidd *Clerk*, John Mitchell, Richard Gwyn, James Gay, John Gordon, Charles Kent, Benjamin Norton, Nathaniel William Peach, Thomas Preston, Robert Orris, Robert Orris *junior*, James Ward *D.D.*, Joseph Sewell.

For the County of Northampton.

Jhon Thomas Flesher *junior*, *Clerk*, Charles Gilbert Flesher, Gilbert Flesher, John Boak *Clerk*, John Hopkinson *Clerk*, Richard Lockwood *Clerk*, William Morley, Henry Yates Smythies *Clerk*, William Simpson, Tycho Wing, William Wing *Clerk*, William Wing *junior*, *Clerk*, James York.

For the Town and County of Newcastle-upon-Tyne.

Matthew Atkinson, James Anderson, Robert Airey, John Trotter Brockett, Robert Belt, George Burnett, John Bulman, Harrison Bulman, Charles John Bigge, John Thomas Carr, John Brown, Darnel Bulman *M.D.*, Robert William Brandling, Thomas Doubleday, Dixon Dixon, William Chapman, Robert Chapman, Matthew Clayton, Thomas Crawhall, Jonathan Cockerill, George William Cram, Thomas Chater, Joseph Crawhall, George Thomas Dunn, Cuthbert Dunn, Edward Dale, Abraham Dawson, Anthony Easterby, Henry Edmondson, Matthew Forster, William Fife, John Fife, *the Reverend* Robert Green, Charles Ralph Fryer, William Nicholas Green-

Greenwell, Francis Hutchinson *M.D.*, Edward John Jackson, Henry Ingledew, William Losh, Thomas William Keenlyside, George Anthony Lambert, Robert Leadbitter, Henry Marshall, William Moore, John Anderson Pybus, Robert Plummer, John Steavenson, George Waugh Stable, Stephen Reed, Robert Watson, John Wilkinson Westgarth, Nathaniel John Winch, Matthew Wheatley.

For the County of Northumberland.

Nicholas Maughan *of* Newbrough Lodge, Charles Lee *Clerk*, George Jobling, David Evans *Clerk*, George Lowes Ridley, Francis Laing *Clerk*, Frederick Errington, Nicholas Leadbitter, Christopher Bird *Clerk*, George Silvertop, John Kirsopp, James Birkett *Clerk*, Charles Bacon Guy, William Airey *Clerk*, John Hodgson *Clerk*, Thomas Allason *Clerk*, Simon Mewburn, Simon Mewburn *junior*, Thomas Allason, Edward Brudenell *Clerk*, Thomas Buston, Nicholas Bailey, John Blenkinsopp, William Clark, Hugh Percy, *Sir* William Davison, Ralph Hemson Dawson, Robert Embleton, *Sir* Henry Featherstonhaugh, Nicholas Fenwick *of* Tynemouth, John Herdman *Clerk*, Nathaniel John Handyside, John Hopper *of* Blackheadly, Thomas Leighton, James Manisty, John Maughan, Hugh Moises, Henry Metcalf, Henry Morton, Thomas Morton, Samuel Walker Parker, John Plummer, John Pratt, John Scott, William Brown Scott, *Sir* David William Smith, Grieve Smith, Walter Calverly Trevelyan *of* Wallington, Robert Bonnor, Edward Werge, Edward Bennett, William Bennett, Robert Bullock, Job James Bulman, George Burdon, Ralph Brandling *Clerk*, Charles Brandling, Russell Blackbird Addison, John Cresswell Baker, Matthew Bell, Dixon Dixon, John Clayton, William Cresswell, Armorer Donkin, Charles Bacon Grey, Henry Hewitson, Robert Hedley, Thomas Emmerson Headlam *M.D.*, William Ingham, John Kirsopp, John Lambert, William Lawson *of* Longhirst, John Ruddock, George Shadforth, Robert Ingram Shafto, Thomas Smith, Charles St. Paul, John Waldie, William Watson, William Brown Scott, John Pratt, William Bates *of* Hexham.

For the Town and County of the Town of Nottingham.

Peter Fearnhead.

For the County of Nottingham.

Henry Savile Foljambe, William Kirke, George Creswell, Charles White, John Smith, Thomas Francis Beckwith *Clerk*, William Mould *Clerk*, George Booth *Clerk*, Joshua William Brooks *Clerk*, Richard Hutchinson *Clerk*, John Roberts, Granville Venables Vernon, *the Reverend* Abraham Youle.

For the Rest of the County of Oxford.

Jonathan Arnatt, Thomas Denton, Walter Strickland *junior*, William Vizard, William Joseph Walker *Clerk*, John Winstanley *D.D.*, James

James Armetriding *Clerk*, Charles Cottrell Dormer, John Geffry Browne *Clerk*, Gibbes Walker Jordan *Clerk*, John Lechmere, William Mavor *LL.D.*, Thomas Nucella *Clerk*, William Elias Taunton, Joseph Wilson, *Sir* Henry Lambert *Baronet*, Abram Tyzack Rawlinson, R. S. Skillicorne *Clerk*, James Adams *Clerk*.

For the County of Salop.

Thomas Bayley *of the* Black Birches, James Fleming Baxter *of* Sibdon, Henry Delves Broughton *Clerk*, Charles Cholmondeley *of* Hodnet, *Clerk*, Henry Clive *of* Ludlow, Charles Montgomery Campbell, Henry Calveley Cotton *Clerk*, John Edwards *of* Hampton Hall, John Gibbon *Clerk*, Francis Harries, Francis Knyvett Leighton, Charles Morris *of* Newport, George Moultrie *Clerk*, William Church Norcop *of* Betton, Thomas Oswell *of* Westbury, *Clerk*, George Dansey Pardoe *Clerk*, John Salwey *of* Moor, William Tayleur *of* Buntingsdale, Charles Hanbury Tracy *of* Morville, John Blunt *Clerk*, Ambrose Brookes, Thomas Boultbee, Thomas Jukes Collier, William Jellicorse, Ralph Harvey Leeke *Clerk*, Edward Meredith *Clerk*, Charles Morris, John Stanley, Joseph Sheppard.

For the County of Somerset.

Sir Richard Strachey *Baronet*, *Sir* Thomas Buckler Lethbridge *Baronet*, Thomas Robert Jolliffe *Clerk*, John Hesketh Lethbridge, Ambrose Goddard Lethbridge, Thomas Browse Lethbridge, Richard John Meade *Clerk*, John Moore Paget, William Hulbert Sheppard, George Clarke Symonds, James Anthony Wickham, William Francis Knatchbull, James Whalley Dawe Wickham, Francis Dawe Wickham, Harry Folkes Edgell, George Rous *Clerk*, Thomas Fortesque Horner, Peter Hoare, *Sir* John Stuart Hippisley *Baronet*, John Bazett Doveton, Richard Strachey, Harry Folkes Edgell *junior*, George Mawhood George, Thomas Harmer Sheppard, Francis Blackburne *Clerk*, Thomas Emery, George Bennett, Benjamin Milward, Henry Eden Mynors, Henry Ricketts, William Hutchins, Daniel Wait, John Whittuck Palmer, Charles Trelawny Collins *Clerk*, Augustus Asgill Colville *Clerk*, John William Coxeter James, James De Visme *Clerk*, R. G. Ayerst, Henry Bower *Clerk*, Henry Badcock, John Cooke, Walter King Coker *Clerk*, Clement Drake, Robert Gould, John Liddon, Henry Liddon, John Lindon, Robert Lindon, John Norris, Thomas Patton, David Smith Stone *Clerk*, John Tucker, Francis Warre *junior*, Richard Winsloe, Thomas John Winter, John Easton.

For the County of Southampton *and* Isle of Wight.

Edward Carter, John Bonham Carter, John Mills, Eyre Coote, *the Reverend* Thomas Charles May, *the Reverend* William Johnson Yonge, *the Reverend* Samuel Berney Vince, William Clark, William Baldwin, *Major* Birch *of* Clare House, Morant *of* Farnborough, William Padwick *junior*, William Seymour.

For the City and County of the City of Litchfield.

John Philip Dyott, Ley Brooks *Clerk*, Richard Hinckley, Richard Greene, James Thomas Law *Clerk*, John Hinckley *Clerk*.

For the County of Stafford.

John Bradburne, James Hargreaves *junior*, *Clerk*, Edward Jackson, Thomas Hinckley, Richard Hinckley, *the Mayor, Recorder, Justices, Bailiffs, and Capital Burgesses for the Time being of the Borough of* Newcastle-under-Lyme, Hugh Montgomery Campbell, George Durant *Clerk*, Edward Dudley *Clerk*, John Fereday, William Turton Fereday, Thomas Fowler, Abiather Hawkes, Henry Jessop *junior*, William Leigh *Clerk*, William Moseley, Charles Neve *Clerk*, Haughton Farmer Oakover, John Henzey Pidcock, *Sir* John Wrottesley *Baronet*, Thomas Comber Raybould, Thomas Worrall Smith *of* Grazebrook, John Aston, John Perry *of* Trysull, William Seager Wheeley, John Wheeley, John Thomas Hinds *Clerk*, *of* Stone, Ralph Bourne Baker *Clerk*, *of* Hilderstone, Ralph Adderley *of* Barlaston, William Wingfield Yates *of* Parkfields, John Joule *of* Oulton, Francis Joule *of* Stone, Oldham James Oldham *of* Bellamore.

For the Borough of Sudbury.

The Mayor and Aldermen for the Time being, *the Reverend* Henry Watts Wilkinson, Christopher Finch, *Sir* Lachlan Maclean *Knight*, George Lewis, Alexander Duff, John King *of* St. Peters, Richard Dupont, James Bell.

For the Rest of the County of Suffolk.

Richard Miller, Thomas Mayhew, Edward Missenden Love *Clerk*.

For the County of Surrey.

David Hall, Robert Kirkpatrick Escott, John Ivatt Briscoe, Eades Summers, Francis John Lambert, *the Reverend* John Vane, George Alfred Muskett, *the Reverend* John George Stone, Thomas Keeton, Frederick Nottidge, John Harvey, Charles Clarke *of* Dulwich, Samuel Henry Sterry, Bryan Donkin, George Porter, Samuel Spencer Mullins, *the Reverend* John Edgar Gibson, Joshua Butterworth, William Butterworth, Joseph Sheppard, William Ewbank Cleeve, Jehohannah Hooper, Henry Lainson, William George Watts, John Roberts Herbert, Joseph William Champion De Crespigny, Samuel Lilley, John Cox, Joseph Cox, Charles Washington Lovegrove, William Drew, Henry Lawes Long *of* Hampton Lodge, Robert Monro *of* Busbridge, *the Reverend* Thomas Watkin Richards *of* Puttenham, Robert Smith Webb *of* Milford House *near* Godalming, *the Reverend* George Molyneux *of* Compton, David Halls *of* Botleys Chertsey, Edward Polhill *of* St. Saviour's Southwark, John Hopkins *of* St. Olave Southwark, William Britton *of* St. John's Southwark, Samuel Judkins *of* St. Olave Southwark, Ralph Lindsay *of* St. Thomas Southwark, James Bishop *of* St. George Southwark, James Bailey,

Robert Wildman Barchard, Ellis Chancellor, William Evans, Charles Larkin Francis, Alfred Francis, Charles Goodwin, John Harwood, George Lewis Hollingworth, James Lambert, Thomas Frederick Marson, Edward Matson, Evan Roberts, William Shadbolt, John Charles Hachlschmidt, James Ward *of* Christchurch, Benjamin Lancaster *of* Christchurch, John Deacon *of* Christchurch, Thomas Farmer *of* Newington, James Thompson *of* Newington, Thomas Conway *of* Newington, Benjamin Hall *of* Lambeth, Charles Pott *of* St. Saviour's Southwark, Arthur Pott *of* St. Saviour's Southwark, *Rear Admiral the Honourable Sir* Henry Hotham *K.C.B. of* Chertsey, George Arbuthnot *of* Ockley, Thomas Alcock *of* Kingswood Warren, Charles Baldwin *of* Camberwell, John Cator *of* Beckenham Place, James Shamcross Fyler *of* Windlesham, Henry Gosse *of* Epsom, George Heath *of* Capel, Edward Penrhyn *of* Eartham, Joseph Reid *of* Croydon, John Spirling *of* Reigate, Lee Steene *of* Wootton, Mark Wood *of* Gatton, *Sir* William Jolliffe *Baronet, of* Merstham, Henry Weston *of* Southwark, George Evelyn *of* Wootton, James De Tessier *of* Epsom, John Woolley *of* Camberwell, John Pownall *of* Epsom.

For the ancient Town and Parish of Rye.

Welden Dawes, John Haddock Lardner, John Fisher, Richard Curteis Pomfret, Richard Weeden Butler, William Jackson *Clerk*, Thomas Cooper Langford, James Smith, Thomas Harrisson, Thomas Proctor, Thomas Pix, Daniel Gill, Herbert Barrett Curteis, Edward Barrett Curteis, Reginald Curteis.

For the Rest of the County of Sussex.

The Right Honourable George Augustus Henry Cavendish *commonly called* Lord George Augustus Henry Cavendish, *Sir* Thomas Coombe Miller *Baronet, Clerk, Sir* John Shelley *Baronet, Sir* Timothy Shelley *Baronet, Sir* Charles William Taylor *Baronet, of* Linch, *Lieutenant General Sir* Richard Jones *K.C.B., Lieutenant General Sir* George Henry Frederick Berkeley *K.C.B., the Honourable General* Henry Trevor *of* Glynd Place, *Sir* James Scarlett *Knight*, Lawrence Dennett Smith, William Smith *of* Uckfield, William Sewell *of* Westhoathly, Henry Streatfield *junior, of* Chiddingstone, David Stone, Richard Shuttleworth Streatfield, William Stoveld, Henry Skrine, Thomas Sanctuary *of the* Nunnery, Thomas Shiffner, William Seymour, John Godfrey Thomas *Clerk*, Samuel Twyford, Henry Tredcroft, Christopher Teesdale *of* Binderton, Henry Twaites, Benjamin Tillstone *of* Moulscombe, Thomas Tourle *the younger, of* Landport, Thomas Thornton, William Thomson *of* Newick, William Verrall *the younger, of* Lewes, Harry Verrall *of* Southover, Richard Wardroper *of* Midhurst, James White, Charles White, George Wellingham, Richard Wetherell *junior*, William Henry Yaldwyn *of* Blackdown, *Sir* Charles Wetherell, Hampton Weekes *of* Hurstperpoint, Jonathan Worrell, Henry Norcot Warde, John Dorrien Magens *of* Hammerwood, Samuel Frederick Milford *of* Brighthelmston, *Major General* Godfrey, Basil Mundy, James Gordon Murdock, William Mitchell *of* Dallington, William Morris *of* Peasmarsh, Richard Murray *of* Chichester, Henry Frederick Napper, Edward Napper *of* Kirdford, Fasham Nairn,

Nairn, John Henry Nainby, John Laker Napper, Harry Newland *of* Worthing, Thomas Partington, Richard Prime *of* Walberton, *Captain* George Richard Pechell *of* Castle Goring, George Proctor *Clerk*, *of* Lewes, John Poill *of* Selsfield House, William Ridge *of* Lewes, William Raynes *Clerk*, Frederick Adair Roe, William C. Rhoades *of* Chichester, William Ridge *of* Chichester, Richard Stileman, Anthony Capron *of* Midhurst, Robert Chester Cooper *of* Brighthelmston, Henry Campion *of the* Deanry, Southmalling, Robert Crawfurd *of* Saint Hill, John Cochran, Arthur Chichester *of* Coolhurst, Sands Chapman *of* Horsham, William Dennett *of* Midhurst, William Day *of* Maresfield, George Darby *of* Markly Warbleton, James Donovan *of* Buckham Hill, Warburton Davies *of* Woodgate Fletching, John Drinkald, Charles Dixon *of* Stansted, John Edger, James Fielding, Frederick William Frankland *of* Newick Lodge, *Sir* Charles Foster Goring, Charles Gordon *of* Newtimber, George Gibson *of* Sandgate, Charles Harison *of* Sutton Place, Henry Halliwell *Clerk*, *Rector of* Clayton-cum-Keymer, William Harison *of* Folkington Place, Richard Hasler *of* Southbersted, Hooker *Clerk*, *D.D.*, Charles Harison *Clerk*, John Batcock Hasler, Henry Hoper *Clerk*, John Holroyd *of* Barcombe Hall, Richard Hasler *of* Kirdford, Nicholas Hall *of* Brighton, Thomas Halls *of* Bexhill, Thomas Finnamore Hill *of* Lewes, Edward Frisby Howis *of* Hadlow Down, William Bust Hughes *of* Boxted, James Hopkins *of* Arundel, Elizah Barwell Impey *of* Newick, Frederick Jones *of* Broadwater, John King *of* Blatchington, Henry Thomas Lane *of* Westmeston, Edward Langdale *Clerk*, Stephen Lowdell *of* Lewes, Zadie Levin *of* Newfishbourne, William Courthope Mabbott, George Molineux, Sotherton Branthwayte Peckham Micklethwait, William Mackenzie *Clerk*, *Rector of* Burwash, Robert Aldridge *of* Saint Leonards, John Aldridge *of* Beeding, Edward Allfrey *of* Salehurst, John Boys *of* Brighton, Walter Burrell, Wastel Brisco *junior*, Felix Freeman Frederick Bean, Charles Beauclerk *of* Beeding, Thomas Bellamy, *Colonel* John By *of* Frant, Harry Bridger *of* Buckingham House, John Barton *of* Stoughton, Henry Budd, James Baker *of* Northchapel, Thomas Broadwood *of* Holmbush, Daniel Blake *of* Burton Park, George Baker *of* Grant's Cottage, Northchapel, Thomas Baker *Vicar of* Bexhill, John Marten Cripps, Edward Barrett Curteis, Reginald Curteis, John Attree, Richard Attree, Thomas Attree, Thomas Whitfeld, John Stillman Bostock, Michael Hare, John Hare, Harry Bridger, Harry Colville Bridger, John Leighton Wade Dennett, John Gratwick Challon *D.D.*, Hugh Fuller, William Pennington Gorringe, Harry Dent Goring, *Lieutenant Colonel* John Hare, Hugh Ingram, Richard Lidbetter, Leonard Lidbetter, Peter Wallan Moore *Clerk*, Hugh Penfold *of* Cissbury, John Penfold *of* Beeding, James Ventris *Clerk*, Upperton Robert, Henry Plimley *Clerk*, *Vicar of* Cuckfield, William Acton, George Spencer Benham, James Capper *Clerk*, Thomas Calverley, Henry Campion, Robert Crawfurd, Thomas Downman, Samuel Dobre, William Day, John Day, Warburton Davies, Francis John Davies, James Donovan, William John Dugdale, William Gardiner, George Hurdis, Charles Edward Hutchinson *Clerk*, Charles Harison *Clerk*, James Hay Langham, William Henry Lidbetter, Edward Langdale *Clerk*, William Elliott Le Blanc, John Dorien Magens, Robert Newman, William Raynes *Clerk*, William Rose *Clerk*, Whitworth Russell *Clerk*, William Smith,

Smith, William Sewell, *the Honourable General* Henry Trevor, Samuel Wilson Warneford *Clerk, LL.D.*, Henry Winchester *of* Hawkhurst.

For the County of Warwick.

William Freer, Henry Biddulph *Clerk, Sir* Henry Dryden *Baronet, Clerk*, Charles John Hume *Clerk*, Henry Mallory, Joseph Moore Boultbee, Walter Henry Bracebridge, Hyla Holden, Fiennes Sanderson Miller, William Staunton, John Staunton, John Grove Staunton *Clerk*, Kelynge Greenway, Samuel Steward, Harvey Mallory.

For the City and County of the City of Worcester.

John Owen.

For the County of Worcester.

Humphrey Chamberlain, Benjamin Hooke, William Dunn, William Bohun Yeomans *D.D.*, William Shaw, Edward Gresleystone, John Pearkes Lavender, John Matthew Gutch.

For the Rest of the County of Wilts.

The Honourable and Reverend F. P. Bouverie, Thomas Bolton, Christopher Ingram, Thomas Rendall, Charles Edward Rendall, *the Reverend* Phillip Pinckney Rendall, Francis Thomas Egerton, Thomas Lawrence, Stephen Mills, George Pearce Moore, *the Reverend* Charles Grove, *the Right Honourable* Charles Howard *Lord* Andover, John Lovell *Clerk*, Samwell Ody, Richard Peers Player, Anthony Austen *Clerk*, William Carter *Clerk*, John Neate, Richard Pollen, George Augustus Budermann *Clerk*, Nathan Atherton *junior*, *the Reverend* John Henry Hume, Markham Heale, *the Reverend* Richard Adolphus Musgrave, John Pinniger, John Tanner, William Wayte, *the Reverend* William Short *Vicar of* Chippenham, John William Gundry *Banker*, William Redman, Thomas Redman, Christopher Beaven *junior*, John Fox, William Fox.

For the County Borough of Carmarthen.

John Bankes Davies *of* Myrtle Hill.

For the County of Carmarthen.

John Bankes Davies *of* Myrtle Hill.

For the County of Flint.

W. I. Bankes, *Soughton*, R. Barnston, *Sir* Richard Brooke *Baronet*, Richard Beresford, Richard Butler Clough, Phillip Davies Cooke *of* Gwsanney, John Conway Conway *Clerk*, Benjamin Conway Conway *Clerk*, Offilly Crewe *Clerk*, John Denman *of* Llanarmon *Clerk*, Thomas Mostyn Edwards *of* Cilcen Hall, William Thomas Ellis, Ethelston *Clerk*, James Ewer, Thomas Eyton, Frederic French, Richard Garnon *of* Brynford, Hugh Davies Griffith *of* Downing, *the Honourable* Robert Grosvenor, *Sir* Thomas Flanmer *Baronet*, William Hancock, Thomas Harrison, John Hughes *Clerk, of* Cilcen, William Holland Holland *of* Turdyn, Edward Humphreys *of* Penypylle, John

Jones *Clerk*, Trevor Owen Jones *of* Wepre, Hugh Jones, Henry Jones *Clerk*, Thomas Jones *of* Holywell, George Watkin Kenrick *of* Mertyn, George Kenrick, Robert Knight *of* Gelli Loveday, Edward Lewis *of* Bryn Edwin, Edward Lloyd *of* Cefn, *Sir* Edward Pryce Lloyd *Baronet*, Edward Lloyd *of* Rhaggat, Thomas Matthews, Thomas Molyneux *of* Penbedw, *Sir* Thomas Mostyn *Baronet*, Robert John Mostyn *of* Calcot, John Nanny *Clerk*, John Oldfield *of* Farm, Edward Oldfield, Edward Oldfield *Clerk*, John Oldfield *junior*, Jones Panton *of* Coleshill, Jones Panton *the younger*, Thomas Prescott, David Pennant, David Pennant *the younger*, Charles Potts, Charles Fyshe Palmer, Henry Potts, John Price, Robert Price *of* Cilcen, James Price *Clerk*, Thomas Pennant *Clerk*, Ralph Richardson, Edward Roberts *Clerk*, *of* Halkin, Goodman Roberts, Edward Roberts *Clerk*, *of* Whitford, Thomas Sudworth, Robert Tart, William Totty, William Salusbury Trelawney, James Wills, Edward Lloyd Williams *of* Pen-y-law, William Madocks Williams *Clerk*, William Williamson *of* Plasnewydd, Samuel Williamson *of* Plasnewydd, *the Honourable* Thomas Windsor, *Sir* Watkin Williams Wynne *Baronet*, John Lloyd Wynne *of* Coed Coch, John Lloyd Wynne *the younger*, *of* Coed Coch, John Williamson, John Wynne *of* Garthmillo, Charles Wynne *of* Garthmillo, Griffith Williams.

For the County of Pembroke.

Sparks Martin Phelps *of* Langwarren, William Phillips *of* Grondrè, John Lewis Phillips *of* Morvil, George Philipps *of* Narbeth, John Lort Phillips *of* Haverfordwest, George Price *of* Pigeonsford, William Parry *of* Portelew, William Edward Parry *of* Portelew, David Runwa Paynter *of* Dale, Joshua Whittaker Paynter *of* Pembroke, Phillip Phillips *of* Haverfordwest, John Phillips *of* Haverfordwest, Nathaniel Phillips *of* Haverfordwest, Samuel Hood Phillips *of* Haverfordwest, John Harcourt Powell *of* Hook, James Propert *of* Egremont, William Henry Weobly Parry *of* Noyadd, William Henry Weobly Parry *junior*, *of* Noyadd, Phillip Parcell *of* Mead, John Phillips *of* Llanvithan, John Pringle *of* Thornton, John Pavin *of* Milford, Jonathan Haworth Peel *of* Cotts, William Evans Paynter *of* Pembroke, James Phillips Lloyd Phillips *of* Pentypark, Philip Powell *of* Harmaston, George Clayton Roch *of* Clareston, George Roch *of* Butter Hill, Mark Roch *of* Snailstown, Bowen Robert Robertson *of* Milford, Jacob Richards *of* Tenby, William Richards *of* Knighton, John Rees *of* Havod, Henry Rees *of* Haverfordwest, David Rees *of* Haverfordwest, William Richards *of* St. David's, Edward Rees *of* Pantyderry, Richard Rees *of* Folkestone, *the Reverend* James Rees *of* Haverfordwest, *the Reverend* William Rees *of* Haverfordwest, *the Reverend* Nicholas Roch *D.D.*, *of* Tenby, *the Reverend* Richardson *Precentor of* St. David's, William Henry Scourfield *of* Roberton Hall, John Edward Philips Saunders *of* Glanrhwdw, Anthony Innys Stokes *of* St. Botolph's, John Stokes Stokes *of* Cuffern, Thomas Stokes *of* Hearn Castle, Charles Swann *of* Merrixton, William Brock Swann *of* Merrixton, James Scowcroft *of* Haverfordwest, John Smith *of* Narbeth, *the Reverend* James Summers *of* St. Peter, William Edwardes Tucker *of* Sealyham, Thomas Edwardes Tucker *of* Hook, James Thomas *of* Lamphey Court, Richard Twining *of* New House.

SCOTLAND.

For the Shire of Edinburgh.

The Right Honourable John D. E. H. Campbell *commonly called* Lord John Campbell, *the Honourable* Francis Wemyss Charteris Douglas *commonly called* Lord Elcho, *the Honourable* James Sinclair Erskine *commonly called* Loughborough, *the Honourable* Henry Dundas *of* Melville, *the Honourable* Francis Ward Primrose, *the Honourable* William Fullarton Elphinston *of* Carberry, *the Honourable* George R. Abercromby *younger*, *of* Tullibody, *Sir* William Forbes *of* Pitsligo *Baronet*, *Sir* James Wellwood Moncreiff *Baronet*, *Sir* Thomas Gibson Carmichael *of* Skirling *Baronet*, *Sir* John Hope *of* Craighall *Baronet*, *Sir* John Hay *of* Smithfield *and* Hayston *Baronet*, *Sir* George Clerk *of* Penicuick *Baronet*, *Sir* James Gardener Baird *of* Saughtonhall *Baronet*, *Sir* Thomas Dick Lauder *of* Grange *Baronet*, *Sir* John Hamilton Dalrymple *of* Cousland *Baronet*, *Sir* Hugh Dalrymple Hamilton *of* North Berwick *Baronet*, *Sir* Robert Keith Dick *of* Prestonfield *Baronet*, *the Right Honourable Sir* George Warrender *of* Burntsfield *Baronet*, *Sir* Gilbert Stirling *of* Rosehall *Baronet*, *Sir* William Fettes *of* Comely Bank *Baronet*, *Sir* William Rae *of* St. Catherine's *Baronet*, *Sir* Alexander Charles Maitland Gibson *of* Clifton Hall *Baronet*, *Sir* Robert Dundas *of* Beechwood *Baronet*, *Sir* William Arbuthnot *Baronet*, *Sir* Robert Dalrymple Horne Elphinstone *of* Horne *and* Logie *Baronet*, *Sir* John Forbes Drummond *of* Hawthoendean *Baronet*, *the Right Honourable Sir* Robert Liston *of* Millburn *G.C.B.*, *Admiral Sir* David Milne *K.C.B.*, *Sir* Thomas Inglis Cochrane *Knight*, *Sir* Patrick Walker *of* Coats *Knight*, *Sir* Alexander Keith *of* Ravelston *Knight Marshall*, *Sir* Henry Jardine *of* Harwood *Knight*, Thomas Addinston *of* Carcant, William Aitchison *of* Drummore, William Aitchison *younger*, *of* Drummore, James Aitchison *of* Crookston, Thomas Allan *of* Lauriston, David Anderson *of* Mordun, Adam Anderson *Advocate*, Roger Aytoun *of* Murieston, Robert Baird *of* Newbyth, David Baird *the younger*, *of* Newbyth, James Balfour *of* Pilrig, *Major General* Robert Balfour *of* Balbirnie, James Balfour *of* Roseburn, James Baillie *of* Fallahill, William Baillie *his eldest Son*, William Baird *younger*, *of* Saughtonhall, George Bell *of* Newington, Benjamin Bell *his eldest Son*, William Bell *of* Wester Murieston, Forbes Hunter Blair *Banker in* Edinburgh, John Bonar *of* Kimmerghame *Banker in* Edinburgh, John Bonar *of* Ratho, John Borthwick *of* Crookston, John Borthwick *the younger*, *of* Crookston, Lewis Borthwick *Writer to the Signet*, *Captain* John Donaldson Boswall *of* Wardie, William Boyd *of* Hillhousefield, *Wood Merchant*, *Leith*, John Waugh Brougham *Merchant in* Edinburgh, Robert Brown *of* Newhall, Hugh Brown *the younger*, *of* Newhall, Walter Brown *of* Currie, *Captain* Samuel Brown *R.N.*, John Bruce *of* Bankton, William Bruce *of* Alderston, Thomas Durham Calderwood *of* Polton, William Burn Callender *of* Westerton, David Carnegie *of* Craigo, Alexander Clapperton *Merchant*, *Edinburgh*, John Clerk *of* Eldin, *One of the Senators of the College of Justice*, William Child *of* Glencorse, William A. Child *younger*, *of* Glencorse, Archibald Christie *of* Baberton,

Cleghorn

Cleghorn *of* Kingstables, Archibald Cochrane *of* Ashkirk, James Gibson Craig *of* Riccarton, William Gibson Craig *the younger, of* Riccarton, James Thomas Gibson Craig *Second Son of* James Gibson Craig, Thomas Cranstoun *of* Dewar, *the Reverend* James Howieson Moodie Crawford *of* Braehead *and* Crawfurdland, William Howieson Crawford *younger, of* Braehead *and* Crawfurdland, David Constable *of* Balniel, William Colvin *of* Milchester, Archibald Hope Cullen *Advocate*, John Cunningham *Advocate*, Charles Cunningham *Writer to the Signet*, William Gray Cunningham *Writer to the Signet, Captain* North Dalrymple, Molyneux Dalrymple *of* Fordell *and* Cleland, Alexander Dalzell *of* Sciennes, *Captain* William Davidson *of* Muirhouse, Robert Davidson *of* Ravelrig, George Davidson *of* Newmills, David Davidson *younger, of* Newmills, *the Reverend* Joseph Davidson *of* Haltree, William Dennistoun *of* Clockmill, David Deuchar *of* Morningside, James Dewar *of* Vogrie, Keith Dick *younger, of* Prestonfield, George Douglas *of* Baads, *the Right Honourable* William Dundas *of* Arniston, William Pitt Dundas, Robert A. Dundas *of* Whiterig, David Dundas *younger, of* Beechwood, Adam Duff *Advocate*, John Fullerton Elphinstone *younger, of* Carberry, Henry Erskine *of* Ammondell, Adam Fairholme *of* Chapel, Robert Ferguson *of* Raith, Andrew Fletcher *of* Salton, John Flint *of* Polbeth, James Forrest *of* Commiston, James Foulis *of* Woodhall, Simon Fraser *of* Ford, Alexander Maitland Gibson *younger, of* Cliftonhall, David Anderson Gibson *of* Pentland, William Giles *Brewer in* Leith, Ebenezer Gilchrist *of* Sunnyside, Walter James Little Gilmour *of* Libberton *and* Craigmillar, John Gordon *of* Cluny, David Gray *of* Snipe, Andrew Gray *younger, of* Snipe, Francis Graham *of* Ravelrig House, John Greig *Baker, of* Canongate, James Haig *of* Lochrin, Alexander Haig, David Haig, Thomas Hardy *of* Charlesfield, James Hare *of* Calderhall, James Hare *of* Handawood, John Hay *younger, of* Smithfield *and* Hayston, James Hay *of* Hardengreen, Alexander Hay *younger, of* Hardengreen, William Young Herries *younger, of* Harburn, William Henderson *of* Warriston, Robert Hill *Writer to the Signet*, James Hill *his eldest Son*, James Hotchkis *of* Templehall, Captain WilliamHope *of the Honourable* East India *Company's Service*, Archibald Hope *younger, of* Craighall, William Home *Writer to the Signet*, James Home *of* Linhouse, Francis Jeffrey *Advocate*, Gilbert Innes *of* Stow, John Innes *of* Rathohall, John Inglis *of* Redhall, William Inglis *Writer to the Signet*, John Irving *Writer to the Signet*, William Johnstone *of* Bavelaw, James Johnstone *of* Straiton, James Ker *of* Blackshiells, Thomas Kinnear *of* Chesterhall, *the Reverend Doctor* Hugh Laird *Minister of* Portmoak, Michael Linning *of* Colzium, *the Reverend* Archibald Livingstone *of* Gorgie Park, Edward Lothian *Advocate*, William Mac Farlane *of* Portsburgh, Alexander M'Kay *of* Black Castle, John Alexander M'Kay *his eldest Son*, Archibald M'Kinlay *Merchant in* Edinburgh, John M'Leod *of* Polbeth, Thomas Mac Millan *of* Shorthope, Thomas Mac Millan *younger, of* Shorthope, Alexander Maconochie *of* Meadowbank *One of the Senators of the College of Justice*, Allan Maconochie *younger, of* Meadowbank, Alexander Marjoribanks *of* Marjoribanks, Alexander Marjoribanks *younger, of* Marjoribanks, *Major General* William Maxwell *of* Parkhill, William Alexander Maxwell *Captain in the First Regiment of Dragoon Guards*,

Hugh

Hugh Bates Maxwell *youngest Son of General* Maxwell, John Clerk Maxwell *of* Middlebie, Græme Mercer *of* Mavisbank, George Mercer *of* Gorthy *and* Dryden, William Henry Miller *of* Craigintinny, David Milne *younger, of* Milnegraden, Archibald Hepburn Mitchelson *of* Middleton, William Mitchell *Cashier of the Royal Bank, Doctor* Alexander Monro *of* Craiglockhart, John Mowbray *of* Meikle Hartwood, William Murray *of* Henderland, John Archibald Murray *Advocate,* James Murray *of* Craigend, Alexander Murray Mac Gregor *of* Trinity Lodge, Patrick Murray *of* Simprim, Patrick Neil *of* Factors Acres Saughtonhall, Thomas Newton *of* Curriehill, *the Reverend Doctor* Francis Nicol *of* Balgillo, William Pagan *of* Sinburn, John Pitcairn *of* Pitcairn, John Pringle *of* Symington, Robert Pringle *younger, of* Symington, James Clerk Rattray *of* Bonnington *and* Craighall Rattray *One of the Barons of Exchequer,* Robert Clerk Rattray *younger, of* Bonnington *and* Craighall Rattray, Peter Ramsay *Banker of* Edinburgh, Robert Ramsay *Writer to the Signet,* Robert Wardlaw Ramsay *of* Whitehill, William Ramsay Ramsay *of* Barnton, James Home Rig *of* Morton, James Rocheid *of* Inverleith, William Rose Robinson *of* Clermiston, Miles Sandys *of* Graythwaithall, Lancashire, *General* Thomas Scott *of* Malleny, Frances Cataret Scott *of* Ballerno, Alexander Scot *of* Trinity Mains, John Corse Scott *of* Sinton, Thomas Sieveright *of* South-House, William Smellie *of* Adiewell, *Captain* Peter Smellie *of* Adiewell, John Smith *Writer to the Signet,* William Sommers *of* Broughton, Henry Stainton *of the* Carron *Company's Warehouse* London, William Tait *of* Pirn, John Tait *younger, of* Pirn, William Tait *of* Toxside, John Thomson *of* Burnhouse, James Gibson Thomson *Merchant in* Edinburgh, William Gibson Thompson *Solicitor, London,* Henry Trotter *of* Mortonhall, John Trotter *of* Castlelaw, Alexander Trotter *of* Dreghorn, Archibald Trotter *younger, of* Dreghorn, James Tytler *of* Woodhouselee, Hugh Veitch *Town Clerk, Leith,* James Joseph Hope Vere *of* Craigiehall, Francis Walker Drummond *of* Hathorndean, James Walker *of* Dalry, *Lieutenant Colonel* Alexander Walker *of* Bowland, David Wardlaw *of* Gogarmount, *Lieutenant Colonel* John Wardlaw, Hugh Watson *of* Torsonce, John Watson *Merchant, Leith,* John Wauchope *of* Edmonstone, Peter Wedderburn *in the Naval Service of the* East India *Company, residing at the* Isla Bank *in the County of* Forfar, William Logan White *of* Howden, William Wilkie *of* Ormistonhall, William Wilkie *younger, of* Ormistonhall, William Wilkie *of* Bonnington, David Wight *of* Viewfield, Robert Wight *younger, of* Viewfield, James Wylie *of* Annatfield, Alexander Young *of* Harburn.

For the Shire of Haddington.

The Right Honourable Thomas *Earl of* Haddington, *the Right Honourable* Robert Walter *Lord* Blantyre, *the Right Honourable* Alexander *Lord* Elibank, *the Right Honourable* James *Lord Ruthven, the Right Honourable Lord* Maitland, *the Right Honourable Lord* Elcho, *the Right Honourable Lord* John Hay, *the Right Honourable Lord* John Campbell, the Right Honourable *Lord* Thomas Hay, *the Right Honourable Lord* Edward Hay, *Count* St. Antonio *of* Leaston, *the Right Honourable* George *Lord* Ramsay, *the Honourable Lieutenant General Sir* Alexander Hope *of* Waughton, *the Honourable Major General* P Stuart *of* Eaglescairnie, *Sir* James Grant Suttie

of Balgone *and* Prestongrange, *the Right Honourable Sir* George Warrender *of* Lochend, *Sir* Thomas Lauder Dick *Baronet, of* Fountainhall, *Sir* Hew Dalrymple Hamilton *of* North Berwick *and* Bargeny *Baronet, Sir* David Kinloch *of* Gilmerton, *Sir* James Hall *Baronet, of* Dunglass, *Sir* John Gordon Sinclair *Baronet, of* Stevenson, *Sir* John Buchan Hepburn *Baronet, of* Smeaton, *Sir* Thomas Trowbridge *Baronet, of* Rockville, *Sir* John Pringle Dalrymple *Baronet, Sir* James Ferguson *Baronet, of* Kilkerran, *Admiral Sir* William Johnstone Hope, *Sir* John Hope *Baronet, of* Craighall, *the Honourable* Alexander Oliphant Murray *Master of* Elibank, *Captain the Honourable* Anthony Maitland *R.N., Lieutenant Colonel the Honourable* John Maitland, *Lieutenant General the Honourable* William Mordaunt Maitland, Robert Ainslie *of* Redcoll, David Anderson *of* St. Germains, *Captain* Richard Anderson *of* Wenterfield *R. N.*, Alexander Allen *Advocate*, William Ainslie *of* Huntington, John Anderson *of* Whitburgh, William Aitchison *of* Dromore, William Aitchison *junior, of* Dromore, Warren Hastings Anderson, Allan *of* Linkfield, Robert Baird *of* Newbyth, David Baird *younger, of* Newbyth, Thomas Hamilton Brown *of* Johnstonburn, George Buchan *of* Relloe, Adam Bogue *of* Woodhall, George Bogue *younger, of* Woodhall, Robert Brown *of* Gilston, James Balfour *of* Whittingham, William Bogue *of* Kirkland, *Major General* Robert Balfour *of* Balburnie, Alexander Hepburn Belches *of* Invermay, *Captain* William Burn Callander *of* Prestonhall, William Archibald Cadell *of* Bankton, William Cadell *of* Tranent, John Cadell *younger, of* Tranent, *Advocate*, Henry Cadell *Second Son of* William Cadell *of* Tranent, Thomas Crighton *of* Skedsbush, *Lieutenant Colonel* John Carfrae *of* Bowerhouses, James Cochrane *of* Muirfield, John Cathcart *of* Genoch, *Captain* Walter Campbell *of* Sunderland, John Campbell *younger, of* Succoth, James Thomson Gibson Craig, William Gibson Craig *younger, of* Ingliston, Henry Fletcher Campbell *of* Boguham, Robert Bruce Chichester, Hew Francis Cadell *of* Cockenzie, Thomas Dods *of* Stottencleugh, Patrick Dudgeon *of* Eastcraig *W. S., Captain* James Dalrymple, Francis Walker Drummond *of* Hawthornden, William Douglass *of* Garvald, Robert Dundas *of* Arniston, *Major General* John Dalrymple, I. Fullarton Elphingston *of* Elphingston, Andrew Fletcher *of* Salton, Robert Ferguson *of* Reuth, John Fowler *of* Halydown, Charles Ferguson *younger, of* Kelkerran, Auguston Maitland Gisbon *Third Son of Sir* A. C. Maitland Gisbon, Campbell Gardiner *Writer in* Edinburgh, Thomas Hope *younger, of* Waughton, John Hall *younger, of* Dunglass, Robert Hay *of* Spott, William Hay *younger, of* Spott, Thomas Buchan Hepburn *younger, of* Smeaton, James Hunter *of* Thurston, William Hay *of* Hopes, Andrew Hugh Houstoun *of* Clerkington, William Hay *of* Drummelzier, *Lieutenant General* George Hardyman *of* Hedderwich Hill, John Hume *of* Westbarns, John Hughes *of* Milnside, William Hume *of* Dunbar, George Hunter *of* Callander, Alexander Hunter *Writer to the Signet*, James Hamilton *of* Bangour, James Hall *Advocate*, Robert Hay *of* Linplum, John Buchan Hepburn *Second Son of* Sir John Buchan Hepburn, *Captain* James Hay *of* Belton *R.N., Lieutenant* George James Hope Johnston *R.N.*, Kilgour *of* Burnrig, James Ker *of* Blackshiels, James Law *of* Elvingston, William Law *younger, of* Elvingston, Hugh Lumsdain *of* Pitcaple, Christopher Middlemas *of* Underedge, Middlemas *younger, of*

of Underedge, Colin Mackenzie *One of the Principal Clerks of Session*, John Hay Mackenzie *of* Newhall *and* Cromarty, Andrew Macdowal *of* Logan *and* Bankton, James Macdowal *younger, of* Bankton, James M'Innes *Writer, Edinburgh*, George Macdowal *Writer, Edinburgh*, Thomas Maitland *of* Pogbie, William Hay Newton *of* Newton, Richard Hay Newton *younger, of* Newton, *Lieutenant Colonel* Thomas Erskine Napier *of* Woodcot, William Ogilvie *younger, of* Chesters, David Pringle *of* Blegbie, John Paton *of* Crailing, James Home Rig *of* Gamelshiels, George Rennie *of* Phantassie, John Rennie *younger, of* Phantassie, George Rennie *Second Son of* George Rennie *of* Phantassie, Robert Henry Stuart *younger, of* Eaglescairnie, George Grant Suttie *younger, of* Balgone *and* Prestongrange, John Buchan Sydserff *of* Ruchlaw, George Sligo *of* Auldham, John Sligo *of* Carmyle, Hugh Scott *of* Harden, James Syme *of* Northfield, William Sandeland *of* Barniehill, Richard Somner *of* Somnerfield, William Somner *younger, of* Somnerfield, Robert Stewart *of* Alderston, James Stewart *of* Branxton, John Smith *Writer to the Signet*, Alexander Smith *Writer to the Signet*, John Savigny *of* Tranent, John Tweeddie *of* Morehamebank *W.S.*, John Tawse *of* Wanside, Charles Tawse *younger, of* Wanside, George Turnbull Myles, James Thomson *of* Westbarnsmains, Robert Vetch *of* Caponflat, John Vetch *younger, of* Caponflat, *M.D.*, James Walker *of* Dalry *Advocate*, John Warrender *of* Lochend, *the Sheriffs Depute and Substitute of* Haddingtonshire, *and the Chief Magistrates of the Burgh of* Haddington, Dunbar, *and* North Berwick.

For the Shire of Berwick.

The Right Honourable Cospatrick Home *commonly called* Lord Dunglas, *the Right Honourable* James Maitland *commonly called* Lord Viscount Maitland, *the Right Honourable* Francis Charteris Wemyss *commonly called* Lord Elcho, *the Right Honourable* John Campbell *commonly called* Lord Viscount Glenorchy, *the Honourable* Charles Douglas, *Lieutenant Colonel the Honourable* John Maitland, *the Right Honourable* Edward Hay *commonly called* Lord Edward Hay, *Lieutenant General the Honourable* William Mordaunt Maitland *of* Manderston, *Captain the Honourable* Anthony Maitland *Royal Navy*, *Sir* William Purves Hume Campbell *of* Marchmont *Baronet*, *Sir* James Hall *of* Dunglas *Baronet*, *Sir* Abraham Home *of* Wormliebury *Baronet*, *Sir* John Pringle *of* Stitchil *Baronet*, *Sir* James Stuart *of* Allanbank *Baronet*, *Sir* James Grant Suttie *of* Balgone *Baronet*, *Sir* Samuel Stirling *of* Glorat *Baronet*, *Sir* John Buchan Hepburn *of* Smeaton *Baronet*, *Sir* John Marjoribanks *of* Lees *Baronet*, *the Right Honourable Sir* George Warrender *of* Lochend *Baronet*, *Sir* William Grant Keir *of* Blackburn *K.M.T.*, *Sir* Alexander C. Maitland Gibson *of* Clifton Hall, *Sir* David Milne *of* Milne Graden *K.C.B.*, *Sir* Charles Forbes *of* New *and* Edinglassie *Baronet*, David Anderson *of* Rowchester, Thomas Ancrum *of* Fellowhills, Alexander Allan *of* Muircleugh, Robert Anderson *of* Whitsome Newton, John Anderson *of* Gladswood, George Baillie *of* Jerviswood, George Baillie *the younger, of* Jerviswood, George Buchan *of* Kelloe, John Borthwick *of* Crookstown, John Borthwick *the younger, of* Crookstown, Thomas Boswall *of* Blackadder, James Bonar *Merchant, of* London, William Bonar *Banker*,

Banker, *of* Edinburgh, Andrew Bonar *Banker*, *of* Edinburgh, James Bell *of* Ninewar, George Bell *the younger*, *of* Ninewar, George Baillie Hamilton *of* Rumbletonlaw, David Monro Binning *of* Softlaw, David Anderson Blair *of* Inchyra, Brown *of* Park, John Bonar *of* Kimmerghame, James Balfour *of* Whittinghame, James Maitland Balfour *the younger*, *of* Whittinghame, Alexander Cuthbert *of* Eccles, Archibald Christie *of* Baberton, William Cunningham *Writer in* Dunse, Hugh Hume Purves Campbell *the younger*, *of* Marchmont, James Auchenleck Cheyne *of* Oxendean, John Carnegie *of* New Edrom, James Carnegie *the younger*, *of* New Edrom, Alexander Turnbull Christie *of* Grueldykes, William Dickson *of* Whitecross, John Dickson *of* Peelwalls, John Dickson *the younger*, *of* Peelwalls, Robert Dunlop *of* Mayfield, George Dickson *of* Belchester, Dudgeon *of* St. Helen's, Patrick Dudgeon *of* Berrybank, Dods *of* Barnside, Robert Adam Dundas *of* Whiterigg, Erskine *of* Shielfield, Adam Fairholme *of* Chapel, George Fairholme *of* Greenknow, Thomas John Fordyce *of* Ayton, Foster *of* Jardinefield, John Fordyce *the younger*, *of* Ayton, James Frank *of* Bughtrig, John Fowler *of* Halydown, John Forbes *the younger*, *of* New *and* Edinglassie, Burnett Grieve *of* Fishwick Mains, Thomas Grieve *the younger*, *of* Fishwick Mains, Alexander Maitland Gibson *the younger*, *of* Cliftonhall, James Grant *of* Burnhall, James Greig *of* Eccles, John Forman Home *of* Wedderburn, William Forman Home *of* Billie, William Hay *of* Drummelzier, Robert Hay *of* Spott, Hay *the younger*, *of* Spott, Joseph Home *of* Ninewells, *Lieutenant* Joseph Home *Royal Navy*, John Hall *the younger*, *of* Dunglas, James Hall *Advocate*, James Haig *of* Bemerside, James Haig *younger*, *of* Bemerside, Robert Hay *of* Linplum, William Warring Hay *of* Blackburn, *Colonel* James Home *of* Broomhouse, John Home Home *of* Bassendean, John Home Home *of* Longformacus, *Doctor* James Home *of* Cowdenknows, Francis Home *the younger*, *of* Cowdenknows, James Home *of* Carolside, Henry Home Drummond *of* Blair Drummond, *the Reverend* George Home *of* Gunsgreen, *the Reverend* Abraham Home *the younger*, *of* Gunsgreen, James Hunter *of* Thurston, Thomas Hood *of* Hardacres, *Admiral* Peter Halkett *of* Swintonmill, William Home *of* Fairlaw, William Hood *of* Sunnyside, William Home *of* Stoneshiel, John Hood *of* Stoneridge, Thomas Buchan Hepburn *the younger*, *of* Smeaton, *General* Martin Hunter *of* Antonshill, Thomas Henderson *of* Press, Haig *of* West Reston Mains, Robert Johnstone *of* Huttonhall, Gilbert Innes *of* Stow, Jeffrey *of* Sunwick, *the Reverend* William Stow Lundie *of* Spittal, George Logan *of* Burnhouses, William Logan *of* Edrom, David Low *of* Whitsome Laws, William Lumsdaine *of* Lumsdaine, Edward Marjoribanks *the younger*, *of* Lees, Stuart Marjoribanks, David Marjoribanks, Patrick Murray *of* Simprim, William Molle *of* Mains, William Molle *the younger*, *of* Mains, Joseph Marshall *of* Edrington, Joseph Marshall *the younger*, *of* Edrington, *Doctor* Alexander Monro *of* Craiglockhart, Alexander Monro *the younger*, *of* Craiglockhart, John Murray *of* Ladywell, James Murray *of* Flemington, Mason *of* Suttiefield, James Macbraire *of* Fishwick, John Joseph Macbraire *the younger*, *of* Fishwick, David Milne *the younger*, *of* Milne Gradon, *Captain* Thomas Maitland *Royal Navy*, Robert Nisbet *of* Mersington, Robert Nisbet *of* Lambden, William Ogilvie *the younger*, *of*

of Chesters, John Purves *of* Purves, James Pringle *of* Torwoodlee, George Peat *of* Whitchester, George Peat *the younger*, *of* Whitchester, William Patrick *Writer to the Signet*, *Doctor* Robert Patrick *of* Trearne, Alexander Renton Campbell *of* Lamberton, Rocheid *of* Inverleith, William Robertson *of* Ladykirk, James Roy *of* Nenthorn, Frederick Lewis Roy *Writer to the Signet*, Robert Robertson *of* Prenderguest, Robertson *the younger*, *of* Prenderguest, John Renton *of* Chesterbank, Renton *the younger*, *of* Chesterbank, David Renton *of* Greystonelees, Charles Riddel *of* Dryburgh, William Riddel *of* Camieston, Riddel *the younger*, *of* Camieston, John Robertson *of* Silverwells, Robertson *the younger*, *of* Silverwells, Alexander Robertson *Writer to the Signet*, *Doctor* James Russel *of* Castlelaw, *Doctor* James Russel *the younger*, *of* Castlelaw, Hugh Scott *of* Harden, Henry Francis Scott *the younger*, *of* Harden, John Spottiswoode *of* Spottiswoode, John Spottiswoode *the younger*, *of* Spottiswoode, Walter Scott *of* Raeburn, William Scott *the younger*, *of* Raeburn, William Hugh Scott *Second Son of* Hugh Scott *of* Harden, George William Scott *Third Son of* Hugh Scott *of* Harden, Francis Scott *Fourth Son of* Hugh Scott *of* Harden, George Grant Suttie *the younger*, *of* Prestongrange, James Somerville *of* Airhouse, William Shillinglaw *of* Birkhillside, John Swinton *of* Swinton, William A. Smaill *of* Overmains, Archibald Swinton *Writer to the Signet*, Somerville *of* Evelaw, Henry Seymour *of* Handford, James Sheriff *of* Bastleridge, Thomas Scott *of* East Morriston, Scott *the younger*, *of* East Morriston, John Smith *Writer to the Signet*, John Swinton *of* Broadmeadows, Henry Trotter *of* Mortonhall, James Trotter *of* Cattleshiel, John Trotter *the younger*, *of* Cattleshiel, John Tait *the younger*, *of* Pirn, George Taitt *of* Langrigg, George Turnbull *of* Abbey St. Bathans, John Turnbull *the younger*, *of* Abbey St. Bathans, Thomas Trotter *Writer to the Signet*, James Thomson *of* Earnslaw, James Thomson *the younger*, *of* Earnslaw, Thomas Tod *of* Drygrange, Young Trotter *of* Crooksfield, Thomas Trotter *the younger*, *of* Crooksfield, John Tawse *Advocate*, James Tytler *of* Templehall, John Turnbull *of* Hillend, John Wilson *of* Tweedhouse, John Wilkie *of* Foulden, James Watson *of* Saughton, Peter Weir *of* Bogangreen, George Weir *the younger*, *of* Bogangreen, John Wilson *of* Cumledge, John Wilson *the younger*, *of* Cumledge, John Warrender, John Humphry Wood *of* Nunlands, *the Sheriff Depute of* Berwickshire, *the Sheriff Substitute of* Berwickshire, *the Chief Magistrate of the Royal Burgh of* Lauder *for the Time being*.

For the Shire of Roxburgh.

The Honourable William Hugh Elliot *commonly called* Viscount Melgund, *the Honourable* James St. Clair, *the Honourable* Charles Douglas *Second Son of the late* Lord Douglas *of* Douglas, *the Honourable* George Elliot *Captain in the Royal Navy*, *Sir* William Francis Elliot *of* Stobs *Baronet*, *Sir* William Henry Don *of* Newton *Baronet*, *Sir* William Scott *of* Ancrum *Baronet*, *Sir* John Pringle *of* Stitchil *Baronet*, *the Right Honourable Sir* George Warrender *of* Lochend *Baronet*, *Sir* John James Scott Douglas *of* Springwood Park *Baronet*, *Sir* John Marjoribanks *of* Lees *Baronet*, *Sir* Edmund Antrobus *of* Rutherford *Baronet*, *Sir* Walter Scott *of* Abbotsford *Baronet*, *Sir*

William Collingwood Dickson *of* Sydenham *Baronet*, *Sir* Alexander Keith *of* Dunottar *Knight Marischall of* Scotland, *Sir* Thomas Makdougall Brisbane *of* Makerstoun *K.C.B.*, *Sir* Charles Ker *of* Gateshaw *Knight*, Thomas Philip Ainslie *of* Overwells, James Ainslie *of* Grange, James Anderson *of* Wilton Lodge, Andrew Arnot *of* Millrighall, Robert Ainslie *of* Redcoal, John Ainslie *of* Teviot Grove, George Baillie *of* Jerviswood, George Baillie *the younger*, *of* Jerviswood, John Borthwick *of* Crookston, John Borthwick *the younger*, *of* Crookston, George Bell *of* Hunthill, Benjamin Bell *the younger*, *of* Hunthill, William Bell *Writer to the Signet*, Joseph Bell *Surgeon in* Edinburgh, Robert Bell *Advocate*, John Blacklock *of* Leehaugh, Blacklock *the younger*, *of* Leehaugh, Thomas Bruce *of* Langlee, David Brown *of* Rawflatt, William Bell *of* Menslaws, George Bell *the younger*, *of* Menslaws, Beattie *of* Hartsgarth, David Monro Binning *of* Softlaw, George Hoome Monro Binning *the younger*, *of* Softlaw, Adam Boyd *of* Cherrytrees, Andrew Buchan *Portioner*, *of* Midlem, William Black *of* Netherwells, Andrew Paton Bell *of* New Blainslie, John Boyd *of* Whitmuir, Archibald Boyd *the younger*, *of* Whitmuir, Robert Bruce *Advocate*, Adam Brack *of* Thirlestane, Edward Boyd *of* Mertonhall, David Ballantyne *of* Demainholm, Robert Riddell Carre *of* Caverse, Archibald Cochrane *of* Ashkirk, William Chisholme Chisholme *of* Chisholme, James Cleghorn *of* Hawkburn, George Cleghorn *of* Weens, William Currie *of* Greenhead, William Currie *of* Linthill, William Currie *the younger*, *of* Greenhead, William Clark *of* Langhaugh, *Lieutenant Colonel* Benjamin Charlewood *of the Grenadier Regiment of Guards*, David Cathcart *Son of the Honourable* David Cathcart *of* Alloway *One of the Senators of the College of Justice*, James Curle *Writer in* Melrose, John Chisholme *of* Stirches, James Douglas *of* Caverse, Archibald Douglas *of* Adderstone, William Douglas *of* Timpendean, *Doctor* James Douglas *Physician*, *of* Kelso, Christopher Douglas *his eldest Son*, Alexander Douglas *Writer to the Signet*, Christopher Douglas *his eldest Son*, Archibald Dickson *of* Huntlaw, Archibald Dickson *of* Westerhousebyres, Andrew Dickson *the younger*, *of* Westerhousebyres, Andrew Dickson *of* Altoun, Walter Dickson *of* Greenhouse, *Admiral* James Douglas, George Dickson *Second Son of the late* Robert Dickson *of* Huntlaw, George Davidson *of* Hoselaw, Harry Davidson *of* Old Belses, James Gillespie Davidson *the younger*, *of* Old Belses, Joseph Davidson *of* Stewartfield, John Dawson *of* Crookedshaws, William Dawson *of* Graden, Thomas Darling *of* Langhaugh, John Dunlop *of* Whitmoorhall, William Elliot *of* Harwood, Robert Kerr Elliot *the younger*, *of* Harwood, James Elliot *of* Wolfelee, Walter Elliot *of* Wolfelee, John Elliot *of* Whithaugh, John Elliot *of* Binks, James Erskine *of* Shielfield, George Scott Elliot *of* Lanstoun, Robert Elliot *of* Redheugh, *Major General* Henry Elliot *of* Rosebank, William Fair *of* Langlee, Adam Fairholme *of* Chapel, George Falconer *the younger*, *of* Carlowrie, George Gordon *of* Hiltonhill, Archibald Gibson *of* Ladhope, John Gibson *junior*, *Writer to the Signet*, James Grieve *at* Branxholm Park, James Grieve *at* Branxholm Braes, Robert Grieve *his eldest Son*, *Doctor* James Home *of* Cowdenknows, Francis Home *the younger*, *of* Cowdenknows, William Hope *of* Hopehouse, Robert Henderson *of* Abbotrule, James Horsburgh *of* Firth, David Home *of* Over Roxburgh, David Haliburton *of* Muirhouselaw, Henry Hair

of Grange, William Ramsay Henderson *Banker in* Edinburgh, Robert Hagart *of* Edinburgh, John Castell Hopkins, Gilbert Innes *of* Stow, Archibald Jerdon *of* Bonjedward, James Raymond Johnston *of* Alva, James Johnston *the younger*, *of* Alva, William Irvine *of* Newton, Jardine *of* Thorlishope, George Jerdan *Writer in* Kelso, William Innes *Writer to the Signet*, John Irving *of* Newbie, Andrew Seton Karr *of* Kippilaw, Robert Kerr *of* Chatto, William Kerr *the younger*, *of* Chatto, William Keir *of* Ranniestoun, Alexander Kay *of* Charlesfield, William Elliot Lockhart *of* Borthwick Brae, Allan Elliot Lockhart *the younger*, *of* Borthwick Brae, Andrew Lang *Writer in* Selkirk, David M'Dougall *of* Hutt, William M'Donald *of* Ormiston, Alexander M'Donald *the younger*, *of* Ormiston, William Marshall *of* Hownam, Nicol Milne *of* Faldonside, Milne *the younger*, *of* Faldonside, James Milne *of* Whitehill, John Murray *of* Uplaw, Andrew Murray *the younger*, *of* Uplaw, William Mein *of* Ormiston, Robert Mercer *Portioner*, *of* Blainslie, Boyd Miller *of* Clapham Common, William Oliver *of* Dinlabyre, William Oliver *the younger*, *of* Dinlabyre, Thomas Elliot Ogilvie *of* Chesters, William Ogilvie *the younger*, *of* Chesters, *Major* Archibald Oliver *residing at* Bonjedward House, Andrew Oliver *of* Langraw, William Oliver *the younger*, *of* Langraw, John Oliver *of* Blakelaw, John Andrew Ormiston *of* Glenburnhall, John Oliver *Writer in* Hawick, John Pringle *of* Clifton, James Pringle *of* Torwoodlee, James Pringle *the younger*, *of* Torwoodlee, Alexander Pringle *of* Whitebank, Robert Pringle *of* Fairnalee, John Paton *of* Crailing, George Pott *of* Todrig, John Pott *of* Carlinrig, George Pott *of* Dodd, Robert Pearson *of* Hardenpeel, George Purves *of* Whitehouse, *the Reverend* John Paton *Minister of* Laswade, George Pringle *Second Son of* James Pringle *of* Torwoodlee, George Potts *Writer in* Hawick, John Rutherfurd *of* Edgerston, Thomas Rutherfurd *of* Mossburnford, John Rutherfoord *of* Knowsouth, Charles Riddell *of* Muselee, William Riddell *of* Camiestoun, James Rae *of* Halterburnhead, John Rae *the younger*, *of* Halterburnhead, Robert Rutherfurd *Writer in* Jedburgh, John Renwick *Seedsman in* Jedburgh, John Rutherfurd *late of* Mossburnford, Charles Rutherfurd *his eldest Son*, John Roberton *of* Cairnmount, Hugh Scott *of* Harden, Henry Francis Scott *the younger*, *of* Harden, Walter Scott *of* Raeburn, William Scott *the younger*, *of* Raeburn, Walter Scott *of* Whitehaugh, Walter Scott *of* Wauchope, John Corse Scott *of* Synton, John Scott *the younger*, *of* Synton, Walter Scott *the younger*, *of* Abbotsford, Walter Scott *of* Merrylaw, Scott *the younger*, *of* Merrylaw, Thomas Scott *of* Peel, Archibald Scott *of* Howcleuch, Robert Scott *of* Wooden, James Simson *of* Teviotbank, John Simson *of* Blainslie, Simson *the younger*, *of* Blainslie, Charles Simson *of* Threepwood, William Sibbald *of* Pinnacle, Thomas Stavert *of* Hosecote, John Staverton *of* Cunzierton, William Smaill *of* Catshawhill, *Captain* James Stedman *of* Broomhill, Alexander Shireff *of* Kirklands, Alexander Scott *of* Falla, Charles Balfour Scott *of* Wooll, John Scott *residing at* Lethem, John Scott *of* Gala, John Smith *Writer to the Signet*, John Govan Stewart *Merchant of* Edinburgh, David Spence *Writer in* Melrose, William Hugh Scott *Second Son of* Hugh Scott *of* Harden, George William Scott *Third Son of* Hugh Scott *of* Harden, Mark Sprot *of* Riddell, *Captain* Pringle Stoddart *Royal Navy*, James Sprot *youngest Son*

Son of the late John Sprot *of* Clapham Common, Charles Scott *of* Middlestead, William Turnbull *of* Palace, Thomas Turnbull *the younger, of* Palace, Robert Henry Tulloh *of* Eilliestown, John Tulloh *of* Arthurshiel, Alexander Thomson *of* Allerley, Henry James Thomson *the younger, of* Allerley, Thomas Tod *of* Drygrange, Thomas Tod *Advocate*, John Tod *Writer to the Signet*, James Thomson *of* Merrick, John Waldie *of* Hendersyde, Adam Walker *of* Muirhouselaw, Adam Walker *the younger, of* Muirhouselaw, James Wilson *of* Otterburn, Adam White *of* Fens, White *the younger, of* Fens, Thomas Williamson *of* Maxton, George Williamson *the younger, of* Maxton, William Watson *of* Burnhead, Watson *the younger, of* Burnhead, Thomas Wilson *of* Jeanfield, George Wauchope *Merchant in* Leith, *the Sheriff Depute of the County of* Roxburgh *for the Time being, the Provost of* Jedburgh *for the Time being, the Four Baillies of* Jedburgh *for the Time being, the Treasurer of* Jedburgh *for the Time being, the Duke of* Buccleuch's *Chamberlain for the Time being, the Duke of* Roxburgh's *Chamberlain for the Time being, the Marquess of* Tweeddale's *Factor for the Time being, the Marquess of* Lothian's *Factor for the Time being, the Earl of* Buchan's *Factor for the Time being, the Earl of* Minto's *Factor for the Time being, the Earl of* Dudley's *Factor for the Time being, the Lord* Douglas' *Factor for the Time being, the Lord* Somerville's *Factor for the Time being.*

For the Shire of Dumfries.

Thomas Beattie *of* Crieve, Thomas Crichton *of* Auchenskeoch.

For the Stewartry of Kirkcudbright.

Robert Abercromby *of* Berkenbog *and* Netherlaw, Henry Aglionby Aglionby *of* Rotchel, John Alexander *of* Mackilstoun, William Alexander *younger, of* Mackilstoun, David Anderson *of* Saint Germains, David Anderson *of* Mordun *Banker in* Edinburgh, James Anderson *of* Lincluden, John Anderson *Writer to the Signet*, Robert Anderson *Merchant in* Edinburgh, James Barbour *of* Keltonhill, William Barbour *younger, of* Keltonhill, John Bell *of* Gribtae, William Bell *younger, of* Gribtae, John Bell *of* Dunjop, *the Reverend Doctor* Andrew Bell *of* Eggmore, James Biggar *of* Maryholm, James Biggar *younger, of* Maryholm, James Birnie *of* Redcastle, John Birtwhistle *of* Barharrow, David Blair *of* Borgue, David Blair *younger, of* Borgue, Alexander Blair *of* Auchenreoch, Hugh Blair *younger, of* Auchenreoch, Walter Boyd *of* Kinharvie, William Cairns *of* Torr, *Major* James Campbell *of* Waltonpark, James Walton Campbell *younger, of* Waltonpark, Patrick Campbell *of* Queenshill, William Campbell *younger, of* Queenshill, John Cannan *of* Barlae, Archibald Carruthers *of* Craig, James Carruthers *younger, of* Craig, James Carson *of* Barscobe, *Lieutenant Colonel the Honourable* Frederick Macadam Cathcart *of* Craiggengillan, David Clark *of* Slogary, David M'Lellan Clark *younger, of* Slogary, Alexander Kennedy Clark *of* Knockgray, John Clark *of* Carminows, John Commelin *late of* Nether Balfier, William Copland *of* Collieston, Thomas Corrie *of* Steelston, John Costine *of* Glenson, Douglas Hamilton Craik *of* Arbigland, John Hamilton Craik *younger, of* Arbigland, John Craig *of* Milnthird, John Craig

the

the younger, *of* Milnthird, Thomas Creichton *of* Auchenskeoch, John Creichton *of* Crofts, John Cunningham *of* Duchrae, James Cunningham *of* Killylour, John Culton *of* Auchnabony, James Donald *of* Danevale Park, Robert Nugent Dunbar *of* Machermore, *Lieutenant General* James Dunlop *of* Dunlop *and* Southwick, John Dunlop *the younger*, *of* Dunlop *and* Southwick, Robert Cutlar Fergusson *of* Craigdarroch *and* Orroland, Henry Fergusson *at* Orroland, Edward Fletcher *of* Corsock, Edward Charles Fletcher *the younger*, *of* Corsock, Charles Philip Fletcher *of* Nether Bar, William Forbes *of* Callendar, Stewart Murray Fullerton *of* Fullerton, George Fullerton *the younger*, *of* Fullerton, *the Right Honourable* Randolph *Viscount* Garlies, *Sir* John Gordon *of* Earlston *Baronet*, *Sir* Alexander Gordon *of* Culvennan *Knight*, James Gordon *of* Culvennan, Alexander Gordon *of* Campbellton, James Murray Gordon *of* Balmaghie, Thomas Gordon *the younger*, *of* Balmaghie, James David Webster Gordon *of* Campdudziel, Alexander Gordon *of* Argrennan, Robert Gordon *of* Auchendolly, Alexander Gordon *of* Threave Grange, William Gordon *of* Brockloch, Robert Gordon *the younger*, *of* Brockloch, Samuel Gordon, *Lochdougan*, Robert Gordon *of* Larglanglee, William Barkly Ireland Gordon *the younger*, *of* Larglanglee, William Grierson *of* Garrock, John Grierson *of* Formieston, James Grierson *the younger*, *of* Formieston, *Sir* Charles Halket *of* Pitfirran *Baronet*, *Sir* James Hall *of* Dunglass *Baronet*, James Hall *the younger*, *of* Dunglass, David Halliday *of* Chapmantown, James Halliday *the younger*, *of* Chapmantown, James Halliday *of* Mullock, *the Reverend* James Hamilton *of* Torrs, John Halket *of* Auchenflower, Robert Hannay *of* Ruscoe, Robert Hannay *the younger*, *of* Ruscoe, Robert Hannay *Advocate*, David Hannay *of* Blairinnie, John Hannay *of* Over Laggan, *Captain* James Hannay *of the Eighth Regiment of Foot*, Walter Sloan Laurie Hannay *Merchant*, *Liverpool*, Alexander Harley *of* Portrack, James Herbertson *of* Garcrogo, James Heron *of* Drumcoltran, John Hoggan *of* Stranfasket, William Young Herries *of* Spottes, Richard Howat *of* Mabie, Thomas Hughan *of* Airds, Andrew Hunter *of* Lochrenny, John Hyndman *of* Milton, William Ireland *of* Barbey, William Irving *of* Gribton, William Irving *the younger*, *of* Gribton, Peter Johnston *of* Carnsalloch, Charles Johnston *of* Cowhill, David Kennedy *of* Knocknalling, James Kennedy *the younger*, *of* Knocknalling, Alexander Kerr *of* Scroggiehill, Robert Kirk *of* Casseylands, John Kirkpatrick *of* Bogrie, Thomas Kirkpatrick *the younger*, *of* Bogrie, *the Reverend Doctor* David Lamont *of* Erncrogo, John Lamont *the younger*, *of* Erncrogo, William Bailie Kennedy Laurie *of* Woodhall, David Lenox *of* Portmary, James Lenox *of* Dalskairth, David Maitland *of* Barcaple, David Maitland *the younger*, *of* Barcaple, Adam Maitland *of* Dundrennan, Thomas Maitland *the younger*, *of* Dundrennan, William Maitland *of* Gelston, *the Reverend* John Garlies Maitland *of* Fairgirth, *the Reverend* James Maitland *the younger*, *of* Fairgirth, *Sir* John Shaw Heron Maxwell *of* Heron *and* Springkell *Baronet*, Patrick Heron Maxwell *the younger*, *of* Heron *and* Springkell, *Sir* David Maxwell *of* Cardoness *Baronet*, William Maxwell *the younger*, *of* Cardoness, William Constable Maxwell *of* Nithsdale *and* Everingham, Marmaduke Constable Maxwell *of* Terregles, Christopher Maxwell *of* Orchardton, Wellwood Maxwell *of* Barncleugh, John Herries Maxwell *of* Munches, John Clerk Maxwell *of* Middlebie,

Wellwood Maxwell *Merchant, Liverpool,* William Newall Maxwell *of* Goldieled, Robert Maxwell *of* Breagh, Francis Maxwell *the younger, of* Breagh, Thomas Maxwell *of* Drumpark, Alexander Melville *of* Barwhar, David Melville *the younger, of* Barwhar, James Moncrieff Melville *of* Glenshalloch, Alexander Earle Menteath *Advocate, Sir* William Miller *of* Glenlee *Baronet, One of the Senators of the College of Justice,* James Carrick Moore *of* Corsewall, James Moffat *of* Drumwhirn, *Sir* James Montgomery *of* Stanhope *Baronet,* John Mure *of* Nunland, John Lowden Muir *of* Cocklick, John Muirhead *of* Logan, John Muirhead *the younger, of* Logan, James Ochterlony Lockhart Mure *of* Livingston, Alexander Murray *of* Broughton, Murray *of* Glencaird, John Murray *of* Troquhain, Peter Murray *the younger, of* Troquhain, Adam Murray *Second Son of* John Murray *of* Troquhain, Samuel Murphy *of* Kirkbride, John Macadam *of* Marwhirn, *Major* William Macadam *late of the Seventy-fifth Regiment of Foot,* William M'Caa *of* Barnshallock, John M'Cartney *of* Halketleaths, Alexander M'Cartney *of* Barlocco, John M'Cartney *the younger, of* Barlocco, John M'Cullock *of* Barholm, James Murray M'Cullock *of* Ardwall, David M'Cullock *the younger, of* Ardwall, John Ramsay M'Cullock *of* Auchengool, David M'Cullock *of* Torhousekie, Henry M'Cullock *the younger, of* Torhousekie, Andrew M'Dowall *of* Logan, James M'Dowall *the younger, of* Logan, Matthew Norman M'Donald *of* Knockreock, *Sir* Alexander Muir M'Kenzie *of* Delvin *and* Cassencarry *Baronet,* John William Pitt Muir M'Kenzie *younger, of* Delvin *and* Cassencarry, John M'Kie *of* Bargally, Robert M'Knight *of* Barlochan, Robert M'Knight *the younger, of* Barlochan, David M'Lellan *of* Marks, William Hanny M'Lellan *the younger, of* Marks, James M'Michan *of* Corbieton, John M'Millan *of* Holm, Robert M'Millan *the younger, of* Holm, John M'Millan *Portioner, of* Brockloch, Patrick Laurie M'Millan *of* Barwhinnoch, Thomas M'Millan *of* Lamloch, James M'Millan *the younger, of* Lamloch, *Colonel* Archibald M'Murdo *of* Lotus, Bryce M'Murdo *of* Nethertoun, John Napier *of* Mollance, James Napier *the younger, of* Mollance, John Napier *junior, of* Dunjarg, William Napier *of* Crogo, James Naysmith *of* Whitehill, James Niven *of* Glenarm, William Niven *the younger, of* Glenarm, *the Honourable* Fletcher Norton *of* Norton, Richard Alexander Oswald *of* Auchencruive, Richard Oswald *the younger, of* Auchencruive, *Doctor* John Ramsay *of* Drungans, Robert Reid *of* Kirkennan, William Reid *the younger, of* Kirkennan, William Renny *W. S. and Solicitor of Legacy Duties for* Scotland, John Reginald Riddel *of* Kinharvey, William Rose Robinson *of* Clermiston *and* Almorness, George Clark Ross *of* Culgruff, *the Honourable and Reverend* George Rushout, *the Honourable* Montgomery Granville, John Stewart *of* Glengyres, Montgomery Stewart *the younger, of* Glengyres, *the Honourable and Reverend Doctor* Charles Stewart, *the Honourable* Edward Richard Stewart, *the Honourable* James Henry Keith Stewart, Horatio Stewart *of* Cumloddan, William Stewart *of* Shambelly, James Stewart *of* Cairnsmore, Alexander James Stewart *of* Gategell, *Sir* James Shaw *of* Polmaddie *Baronet,* Ebenezer Shaw *of* Drumrash, *Major General* Matthew Sharp *of* Hoddam, Robert Skirving *of* Nether Kelwhannidy, John Eden Spalding *of* Holm, Gibson Stott *of* Kelton, William Stothart *of* Cargen, James Swan *of* Brae, Robert Swan *the younger, of* Brae, William Scott *of* Kirkland

of Terregles, Robert Threshie *of* Barnbarroch, Robert Threshie *the younger, of* Barnbarroch, Samuel Thomson *of* Forrest, David Welsh *of* Collin, Alexander Welsh *of* Scaar, James Welsh *the younger, of* Scaar, Robert Whigham *of* Lochpatrick, David Whigham *of* Cornlee, Henry Wight *of* Largnean, William Wightman *of* Breckanside, Andrew Watson *of* Bridgecastle, Watson *the younger, of* Bridgecastle, Gilbert Young *of* Youngfield, *the Provost and Bailies of each of the Boroughs of* Kirkcudbright, New Galloway, Castle-douglas, Gatehouse of Fleet, Creetown, *and* Maxwelltown *for the Time, the Treasurer of each of the Boroughs of* Kirkcudbright *and* New Galloway *for the Time.*

For the Shire of Perth.

The Reverend John Buist *of* Balcairn, James Graham *of* Leetch-town, James Johnston *of* Kincardine, Thomas Ross *of* Soutarhouses, *Sir* Robert Dundas *of* Beechwood *and* Dunira *Baronet,* David Dundas *the younger, of* Beechwood *and* Dunira, *Lieutenant Colonel* John Cuningham *of* Newton, George Condie *of* Whitehill *of* Strowie, James Condie *the younger, of* Whitehill *of* Strowie, James Mathew *of* Waterybutts, William Patton *of* Devonshaw, Robert Whigham *of* Lochpatrick *Advocate.*

Mistakes in Names not to vitiate Appointments.

And no Mistake in the Spelling of the Christian or Surname of any Person, or of any Place, mentioned in the said Act of the last Session of Parliament or this Act, shall be construed to vitiate the Appointment of such Person to be a Commissioner, so that the Person or Place mentioned be designated therein to common Intent and Understanding, or to subject any Person so designated to any Pains, Penalty, or Forfeiture for his acting in the Execution of the Act herein mentioned.

Qualifications to be the same as required by recited Acts of 38 G. 3. c. 5. 38 G. 3. c. 48.

II. Provided always, and be it enacted, That the several Persons appointed by the said Act of the last Session of Parliament, or by this Act, shall severally have the Qualifications required by an Act passed in the Thirty-eighth Year of His late Majesty's Reign, intituled *An Act for granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and ninety-eight;* and also of an Act of the same Session of Parliament, intituled *An Act to alter and amend so much of an Act passed in the present Session of Parliament, intituled 'An 'Act for granting an Aid to His Majesty by a Land Tax to be raised 'in* Great Britain, *for the Service of the Year One thousand seven 'hundred and ninety-eight,' as relates to the Qualifications of Commissioners;* and shall be subject to the several Penalties and Forfeitures contained in the said Acts respectively.

Persons in Cities, &c. having Qualifications may act as Commissioners.

III. Provided also, and be it further enacted, That where in any City, Liberty, or Place the Qualifications shall consist of Personal Estate, it shall be lawful for any Person having a Personal Estate of the Value required by the said Acts, or either of them, to act as such Commissioner in all Cases where such Person shall have been taxed, and shall have paid for such Personal Estate, by and upon the last Assessment

Assessment then made for such City, Liberty, or Place, by virtue of any Act for continuing and granting to His Majesty a Duty on Pensions, Offices, and Personal Estates, in *England*, passed before the making of such Assessments; any thing in the said Acts, or either of them contained, to the contrary notwithstanding.

Persons having acted as Commissioners without having been properly named, or whose Names had been omitted, shall be indemnified, and the Acts done by them shall be valid.

IV. And whereas several Persons may have acted as Commissioners for executing the said Acts without having been properly named as Commissioners by the said recited Act of the last Session of Parliament, and others named in former Acts of Parliament to be Commissioners may have been omitted in the said Act of the last Session of Parliament, and may have acted as aforesaid before Notice of such Omission: And whereas it is expedient that such Persons should be indemnified for such acting, and that all Acts by them done should be confirmed and made valid; be it therefore enacted, That all Acts done by any such Persons in the Execution of the said Acts, or any other Acts to be executed by such Commissioners, shall be and are hereby declared to be valid, and that all personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be prosecuted or commenced against any Person or Persons for or by reason of such acting, are declared to be void by virtue of this Act, and shall be quashed and determined; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for or by reason of such acting, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence.

All Matters which are directed by the Land Tax Acts to be executed by Three or more Commissioners may, after the passing of this Act, be executed by Two or more of such Commissioners.

V. And whereas by the Acts relating to the Land Tax Three or more Commissioners are required to sign and seal the Assessments, and Duplicates thereof, and to hear and determine Appeals, and also to do and execute other Matters and Things in and by the said Acts prescribed and authorized in the Execution thereof; and it is expedient that Two or more Commissioners should be authorized and empowered to do and execute the same Acts respectively; be it therefore enacted, That all Acts, Matters, and Things whatsoever, which in and by the Acts relating to the Land Tax are directed, authorized, or required to be done, executed, or performed by or before Three or more Commissioners acting in the Execution thereof, shall and may, from and after the passing of this Act, be done, executed, or performed by and before any Two or more of such Commissioners; and all Acts, Matters, and Things so hereafter to be done, executed, and performed by or before Two or more of such Commissioners, shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same Acts respectively were done, executed, or performed by or before Three or more Commissioners; any thing in the said Acts or this Act contained to the contrary notwithstanding.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

CAP. XXXIX.

An Act for the Preservation of the Salmon Fisheries in *Scotland*. [15th *July* 1828.]

WHEREAS by an Act passed in the Parliament of *Scotland* in the Year One thousand four hundred and twenty-four it was forbidden that any Salmon be slain from the Feast of the Assumption of our Lady until the Feast of *Saint Andrew* in Winter: And whereas sundry other Laws and Acts were made and passed at divers Times by the Parliament of *Scotland* anent the killing of Salmon, Kipper, Red and Black Fish, in forbidden Time, and the killing and destroying of the Fry and Smolts of Salmon; which Laws and Acts were ratified, confirmed, and approved by an Act passed by the said Parliament in the Year One thousand six hundred and ninety-six, intituled *Act against Killers of Black Fish, and Destroyers of the Fry and Smolts of Salmon*: And whereas it is expedient, for the Preservation of the Salmon Fisheries in *Scotland*, that the Penalties enacted by the said Acts should be augmented, and the Period of the forbidden Time altered and extended, and that sundry other Regulations should be made:

1424. c. 35.

1696. c. 33.

made: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Year One thousand four hundred and twenty-four shall be and the same is hereby repealed; and that no Salmon, Grilse, Sea Trout, nor other Fish of the Salmon Kind, shall be taken in or from any River, Stream, Lake, Water, or Estuary whatsoever, or on any Part of the Sea Coast, between the Fourteenth Day of *September* and the First Day of *February* in any Year, by any Person or Persons; any Law, Statute, or Practice to the contrary notwithstanding.

Recited Act repealed.

No Fish of the Salmon Kind to be taken between the 14th Sept. and 1st February.

II. And be it further enacted, That if between the Fourteenth Day of *September* and the First Day of *February* in any Year any Person shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any River, Stream, Lake, Water, or Estuary, or on any Part of the Sea Coast, any Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind, such Person shall forfeit and pay any Sum not less than One Pound and not exceeding Ten Pounds, for and in respect of each and every such Offence, over and above forfeiting each and every such Fish so taken, and each and every Boat, Net, or Engine by which the same may have been taken.

Penalty on taking or fishing for Salmon within the above Time.

III. And be it further enacted, That if any Person shall, after the Expiration of Two Months from and after the passing of this Act, trespass in any Ground, inclosed or uninclosed, or in or upon any River, Stream, Watercourse, or Estuary, with Intent to kill Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind, such Person shall forfeit and pay any Sum not less than Ten Shillings and not exceeding Five Pounds.

Penalty on Trespassers.

IV. And be it further enacted, That from and after the passing of this Act, if any Person shall wilfully take, by any Means or by any Device, in or from any River, Lake, Stream, Water, Estuary, or Sea Coast, or use, sell, purchase, or wilfully have in his Possession, the Spawn, Smolts, or Fry of Salmon, or of any other Fish of the Salmon Kind, or in any Way or by any Device wilfully obstruct the Passage of the said Smolts or Fry, or injure or disturb any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be, such Person shall forfeit and pay a Sum not less than One Pound and not exceeding Ten Pounds for each and every such Offence.

Penalty on taking Salmon Fry, Spawn, &c.

V. And be it further enacted, That from and after the passing of this Act, if any Person shall at any Time wilfully take, kill, destroy, or expose to Sale, any Red or Black Fish, or other foul, unclean, or unseasonable Salmon, Grilse, Sea Trout, or Fish of the Salmon Kind, such Person shall forfeit and pay a Sum not less than One Pound and not exceeding Two Pounds for every Fish so taken, killed, or destroyed, or exposed to Sale.

Penalty on taking uncleanSalmon.

VI. And

VI. And be it enacted, That from and after the passing of this Act, if any Person shall use any Light or Fire of any kind, in or for the taking or with Intent to take any Salmon, Grilse, Sea Trout, or other Fish of the Salmon Kind, such Person shall forfeit and pay a Sum not less than Two Pounds and not exceeding Ten Pounds for each and every such Offence. Penalty for using Lights to take Fish.

VII. And whereas by an Act passed in the Parliament of *Scotland* in the Year One thousand four hundred and seventy-seven, intituled *Anent Cruves*, it is *inter alia* ordained, that they that hes Cruves in fresh Waters gar keip the Lawes anent *Satterdaies* Slop, and suffer them not to stand in forbidden Time; and that ilk heck of the said Cruves be Three Inche wide, and quha that beis convict thereof to pay Five Pund: And whereas it is expedient that the said Penalty of Five Pounds *Scots* Money should be augmented; be it therefore enacted, That from and after the passing of this Act, if any Owner or Occupier of Cruves shall offend against the said Law, such Person shall forfeit and pay a Sum not less than Five Pounds nor exceeding Twenty Pounds Sterling for every such Offence. Saturday's Slop to be kept. 1477. c. 73.

VIII. And be it further enacted, That every Occupier of any Fishery shall and is hereby required to remove and carry away from such Fishery, and from the Landing Places and Grounds adjacent thereto, all Boats, Oars, Nets, Engines, and other Tackle used and employed by such Occupier in the taking and killing such Fish as aforesaid, on or before the Commencement of the Close Time, or otherwise effectually to secure the same so as to prevent their being used in fishing, until the End of the Close Time; and in case any such Occupier shall neglect or refuse so to remove or secure all and every such Boats, Oars, Nets, Engines, or other Tackle as aforesaid, and to keep the same secure and apart from the said Fisheries during the Time aforesaid, such Person so refusing or neglecting, and being convicted thereof, shall for such Offence, and for every subsequent Neglect after Notice given, forfeit and pay a Sum not less than Forty Shillings and not exceeding Ten Pounds: Provided always, that nothing herein contained shall be construed or taken to prevent any Proprietor of Lands from continuing any such Boat or Boats for the Use of himself or herself, or any of his or her Family, if such Boat or Boats shall have the Name of the Proprietor painted thereon. Boats to be removed in Close Time. Proprietors of Lands may continue Boats for their own Use.

IX. Provided always, and be it enacted, That each and every Penalty provided by this Act shall go to the Informer, and may and shall be recoverable, with Expences, as well before the Sheriff as before the Justices of the Peace of any County as aforesaid wherein the same may be incurred, or where the Offender shall reside, at the Instance of any Person or Persons who shall prosecute for the same; and in Prosecutions for the different Penalties imposed by this Act, or any other Act for the Preservation of the Salmon Fisheries in *Scotland*, it shall be lawful for the Sheriff or Justices before whom any Complaint for the Recovery thereof may be brought, to proceed in a summary Recovery and Application of Penalties.

summary Way, and to grant Warrant for bringing the Parties complained upon immediately before them, and on Proof on Oath by One or more credible Witnesses, or Confession of the Offence, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any Written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of all Penalties and Expences decerned for, failing Payment within Fourteen Days after Conviction, by Poinding and Imprisonment, for a Period, at the Discretion of the Sheriff or Justices, not exceeding Six Months, it being hereby provided that a Record shall be preserved of the Charge and of the Judgment pronounced; and any Person or Persons who shall think himself, herself, or themselves aggrieved by any Judgment of any Sheriff or Justices, pronounced in any Case arising under this Act, or by Assessment made under this Act, in *Scotland*, may appeal to the Commissioners of Justiciary at their next Circuit Court, or where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of King *George* the Second, for taking away and abolishing the Heritable Jurisdictions in *Scotland*; with this Variation, that such Person or Persons shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties, and Expences, awarded against him, her, or them by the Sentence or Sentences appealed from, in the event of the Appeal or Appeals being dismissed, together with any additional Expences that shall be awarded by the Circuit Court on dismissing the said Appeal or Appeals; and it shall not be competent to appeal from or bring the Judgments of any Justices or Sheriff acting under this Act under Review, by Advocation or Suspension, or by Reduction, or in any other Way than as herein provided.

Two Proprietors of Fisheries on any River in Scotland may call Meetings of other Proprietors on the same, in order to assess them for the Purposes of this Act.

X. And be it enacted, That it shall be lawful, in *Scotland*, for any Two Proprietors of Salmon Fisheries in any River, or any Stream, Lake, Water, or Estuary communicating therewith, from Time to Time to call Meetings of all the other Proprietors of Salmon Fisheries in such River, and the several Streams, Lakes, Waters, and Estuaries communicating therewith, or on the Sea Coast within Five Miles of the Mouth of such River or Estuary, by Three several Advertisements in any Newspaper published in the County where such Meeting is to be held, or if no Newspaper be there published, then in any Newspaper published in any adjoining County, and also in One *Edinburgh* Newspaper, Fourteen Days before such Meeting shall be held; at which Meetings it shall be lawful for the Majority of Proprietors in Number and Value attending, or authorizing their Factors or other Proprietors by a Written Mandate to act for them, to assess the whole Proprietors of Salmon Fisheries in such River, Stream, Lake, Water, or Estuary, and on the Sea Coast within Five Miles of the Mouth of such River or Estuary, in such Sums as they shall think fit, rateably according to the real Rents of their Fisheries, for the Purpose of enforcing this Act, and the other Laws

Laws regulating Salmon Fisheries; and it shall be lawful for such Meetings to appoint and pay Clerks, Water Bailiffs, and other Officers, as they shall see Cause; and all such Assessments shall be recoverable in the Sheriff's Court, at the Instance of any Clerk or other Person authorized by any such Meeting, in the same Manner and under the same Provisions and Regulations as small Debts are now recovered by the Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the more easy Recovery of Small Debts in the Sheriff Courts in* Scotland; and this notwithstanding the Amount of such Assessment shall exceed Eight Pounds: Provided always, that if any Salmon Fishery on the Sea Coast shall be within Five Miles of the Mouths of more than One River or Estuary, the Proprietor of such Fishery shall be liable in One Assessment only for such Fishery, and shall be at liberty to make his Election of any One such River or Estuary in connection with which he shall be assessed.

6 G. 4. c. 24.

Proviso as to Fisheries situate within Five Miles of the Mouths of more than One River.

XI. And be it further enacted, That it shall be lawful for any Person, without any Warrant or other Authority than this Act, *brevi manu*, to seize and detain any Person who shall be found committing any Offence against this Act, and to carry such Person before any Justice of the Peace or other Magistrate, or to deliver such Person to a Constable, who is hereby required to carry such Person before a Justice of the Peace or Magistrate, who shall forthwith examine and discharge, or commit such Person until Caution *de judicio sisti* be found, as the Case may require.

Apprehension of Offenders.

XII. And be it enacted, That all Justices of the Peace and other Magistrates shall and may act in the Execution of this Act, notwithstanding such Justice or Magistrate shall be interested in any Salmon Fishery, except in any Case where such Justice or Magistrate, or his Tacksmen, is a Party in the Prosecution or Case to be heard and determined by such Justice or Magistrate; and also that every Owner or Occupier of, or any Person otherwise interested in any Salmon Fishery, shall and is hereby declared not to be an incompetent Witness to prove any Offence committed against this Act, by reason of being such Owner or Occupier so interested.

Justices, though interested in Fisheries, may act.

Owners not incompetent Witnesses.

XIII. And be it further enacted, That no Prosecution or other Proceeding whatever shall be brought or commenced against any Person or Persons for any Offence or Offences against this Act, unless the same shall be laid or commenced within Six Calendar Months after any such Offence or Offences shall have been committed; and provided that where any Offender shall be punished by virtue of this Act, he shall not incur the Penalty of any other Law or Statute for the same Offence.

Limitation of Actions.

XIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to *England*, *Ireland*, *Wales*, or *Berwick-upon-Tweed*, or to the Fisheries in the River *Tweed*, or in any of the Streams and Waters that run into or communicate therewith,

Act not to extend to England, Ireland, Wales, &c.

therewith, or to the Fisheries in the Arm of the Sea between the County of *Cumberland* and the Counties of *Dumfries* and *Wigton* and the Stewartry of *Kirkcudbright*, or the Fisheries in the several Streams and Waters which run into or communicate with the said Arm of the Sea.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS

CAP. XL.

An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in *England*. [15th *July* 1828.]

WHEREAS it is expedient that the several Statutes now in force in that Part of the United Kingdom called *England*, relating to the Care and Maintenance of Lunatics, being Paupers or Criminals, should be amended and consolidated into One Act, and that such other Provision should be made as will facilitate the Erection of County Lunatic Asylums, and improve the Treatment of Pauper and Criminal Lunatics; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts herein-after mentioned, *viz.* an Act passed in the Seventeenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, so far as relates to Lunatics to be confined by Warrant of Justices; and also an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled

Repeal of 17 G. 2. c. 5. s. 20 & 21.

48 G. 3. c. 96. 51 G. 3. c. 79. 55 G. 3. c. 46. 56 G. 3. c. 117. 59 G. 3. c. 127. 5 G. 4. c. 71.

tuled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England; and also an Act passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Forty-eighth Year of His present Majesty, for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England; and also an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Forty-eighth Year of His present Majesty, intituled 'An 'Act for the better Care and Maintenance of Lunatics, being Paupers 'or Criminals, in* England;' and also an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, for the safe Custody of Insane Persons charged with Offences;* and also an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act for making Provision for the better Care of Pauper Lunatics in* England; and also an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend several Acts passed for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, shall be and the same are hereby repealed, except as to any Matters committed or done before the passing of this Act, which shall be dealt with as if this Act had not passed; and that all Asylums erected or established under the said recited Acts shall in future be regulated under the Directions of this Act.

Justices at Quarter Sessions may give Notice respecting the providing Lunatic Asylums.

II. And be it further enacted, That it shall and may be lawful for the major Part of the Justices of the Peace in and for every County in *England*, present at any General Quarter Sessions for the said County, to direct public Notice to be given in some Newspaper or Newspapers circulated in such County, of their Intention of taking into consideration at their next Quarter Sessions the Expediency of providing a County Lunatic Asylum or Asylums, or House or Houses for the Reception of Insane Persons, or of appointing a Committee of Justices to treat with the Justices of any One or more of the adjacent Counties, or with the Subscribers to any Lunatic Asylum heretofore built and established, or intended to be built and established, by voluntary Contributions, to unite with them for such Purpose.

Justices may appoint Committee to superintend the Erection of a Lunatic Asylum.

III. And be it further enacted, That the said Justices of the Peace, after such Notice so given as aforesaid, shall at their next General Quarter Sessions proceed to take the same into consideration; and if it shall appear to the major Part of the said Justices then and there assembled, (such major Part not being less in Number than Seven,) that it is expedient that a County Lunatic Asylum, or House for the Reception of Insane Persons, should be erected in and for the said County Sole, the said Justices shall nominate and appoint such Number of Visiting Justices as they shall think fit to superintend the Erection and Management of such County Lunatic Asylum, who from Time to Time shall report their Proceedings to the Court of General Quarter Sessions.

IV. And be it further enacted, That in all Cases where it shall appear expedient to the said Justices, so assembled as aforesaid, to unite for the Purposes of this Act with any One or more adjacent Counties, or with any Lunatic Asylum heretofore built and established by voluntary Contributions, or so intended to be built and established, it shall and may be lawful for the said Justices, so assembled as aforesaid, to appoint any Number of Justices not exceeding Five, to be a Committee for treating with any Committee of Justices of any such said County or Counties, appointed according to the Provisions of this Act, or with any Committee of any such Lunatic Asylum, to be appointed as herein-after directed for such Purposes.

Justices may appoint Committee to treat with adjacent Counties, or with the Committee of Subscribers to Asylums maintained by voluntary Contributions.

V. And be it further enacted, That it shall and may be lawful for the major Part of the Subscribers to any such Lunatic Asylum, present at any Meeting of Subscribers to the same, to be called together by public Advertisement for the express Purpose of making such Appointment, to appoint any Number of Subscribers not exceeding Five, to be a Committee to treat with and enter into any Agreement with the Committee of Justices of any County for the Purposes of this Act; and that every such Agreement shall specify the Place at or near which such County Lunatic Asylum shall be situate, the Regulations under which the Expences to be incurred shall be defrayed, and the Number or Proportion of the Visitors to be appointed by the said County and Subscribers respectively, and, when signed by the major Part of the Committee of Justices aforesaid, and the major Part of the Committee of Subscribers so appointed as aforesaid, shall be binding upon the said County and Subscribers, if subsequently approved of as herein-after directed.

Subscribers to any Lunatic Asylum may appoint a Committee to enter into Agreement with Committee of Justices.

VI. And be it further enacted, That where the Committees of Justices so appointed by any Two or more Counties shall think fit to unite the said Counties for the Purposes of this Act, and shall signify their Inclination and Desire so to do at a Meeting holden for that Purpose, an Agreement shall at such Meeting, or as soon as conveniently may be afterwards, be entered into by the said Justices so appointed as aforesaid, or the major Part of them, in the Form or to the Effect set forth in the Schedule hereunto annexed (No. 1.), which Agreement, when subscribed by the major Part of the Justices so nominated and appointed for each County, shall be binding upon the said County; and every such Agreement shall specify the Place at or near which such County Lunatic Asylum shall be situate, and the Proportions in which the Expences necessary for the carrying into Execution the Purposes of this Act shall be charged and assessed upon the several Counties so uniting, which Proportions shall be calculated by the said Justices so appointed upon the Numbers of the respective Population of the said several Counties and Places as shall have been stated in the last Returns of the said Population which shall have been made under the Authority of Parliament previous to the Union of such Counties.

Agreement to be entered into where Counties shall be united.

VII. And be it further enacted, That whensoever any Agreement shall have been so entered into and signed as aforesaid, the Justices so

Agreement to be reported to Quarter

Sessions, and not to be valid unless approved of.

so appointed to be a Committee for each County so uniting shall respectively report the same to the Justices at their next General Quarter Sessions to be holden for each of the said Counties, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerks of the Peace of the said Counties entered among the Records: Provided always, that no Agreement made by any Committee of Justices shall be valid until the same shall have been submitted to and approved by the Majority of the Justices of the Peace of the County, assembled at the next ensuing General Quarter Sessions which shall be holden after such Agreement shall have been entered into.

Appointment of Committees of Justices and Subscribers to form united Committee of Visitors for providing and managing a Lunatic Asylum.

VIII. And be it further enacted, That whenever a County Lunatic Asylum has been provided under the Provisions of any former Act of Parliament, and in every Case in which it shall be determined that a County Lunatic Asylum shall be provided under the Provisions of this Act, it shall be lawful for the major Part of the Justices of the Peace acting in and for the County or united Counties at whose Expence, wholly or in part, such County Lunatic Asylum shall have been or is to be provided, present at the General Quarter Sessions next after the passing of this Act, if a County Lunatic Asylum shall have been already provided, or present at the General Quarter Sessions where such Determination shall be made, or such Agreement as aforesaid shall be approved of, as the Case may be, if the County Lunatic Asylum is hereafter to be provided, and thereafter at the *Michaelmas* General Quarter Sessions of the Peace to be holden for such County or Counties respectively in each Year, and for the major Part of the Subscribers to any Lunatic Asylum erected or to be erected by voluntary Contributions, who may have united or who may hereafter unite with any County or Counties under the Provisions of this or any former Act, present at a General Meeting to be holden in the Months of *September* or *October* in every Year, of which due Notice shall be given by public Advertisement in some Newspaper circulated within the County in which such Lunatic Asylum shall be situated, to elect respectively the Members of the Committee of Visiting Justices, or Committee of Subscribers, to act together, for the providing, building, Erection, and Management of such County Lunatic Asylum; and that it shall be lawful for the major Part of the Justices of the Peace acting in and for such County or Counties, such major Part not being less than Seven, present at any General Quarter Sessions of the Peace to be holden for such County or Counties respectively, or any Adjournment thereof, and for the major Part of the Subscribers to any such Asylum erected or to be erected by voluntary Contributions as aforesaid, present at any General Meeting to be called for that Purpose, of which due Notice shall be given as aforesaid, to fill up any Vacancy in the Number of such Committee as may have occurred by Death or Resignation of any Member of such Committee of Justices or Subscribers respectively: Provided always, that the Number of such Justices so appointed to be the Committee of Visitors as aforesaid shall be in proportion to the Share of Expences to be charged and assessed upon the County for which they shall act, but so that a Number less than Seven shall in no case be appointed for any County so united, and the

Mode of filling up Vacancies in the same.

Proviso as to the Proportion of the Numbers of such Committees.

the Number of the Committee of Subscribers to any Lunatic Asylum uniting with any County as aforesaid, shall be in such Proportion as shall have been specified in the Agreement entered into between such County or Counties and the Subscribers to such Lunatic Asylum.

If Appointment not made, the Visitors continuing to act shall be deemed the Committee.

IX. And be it further enacted, That if the Justices or Subscribers as aforesaid shall in any Year neglect or omit to make such Election, or to fill up any Vacancy which may have occurred as aforesaid, then the Committee of Visitors before appointed, or such of them as shall continue to act, shall be deemed and taken to be the legal Committee of Visitors for the providing, Building, Erection, and Management of such County Lunatic Asylum, until such Election as aforesaid shall have been made, or such Vacancy shall have been filled up.

Empowering Visitors to act;

X. And be it further enacted, That the said Visitors so nominated and appointed are hereby authorized and required, within Three Calendar Months after such Nomination and Appointment as aforesaid, to meet and assemble at such Place as shall appear most convenient for that Purpose, (due Notice thereof being previously given to such Visitors by the Clerk or Clerks of the Peace of such County or Counties respectively); and that the said Visitors may adjourn the said Meeting from Time to Time, or from Place to Place, and meet as often as they shall think necessary; and the said Visitors, or the major Part of them, are hereby authorized at their said Meetings to appoint a Clerk and a Surveyor for duly exercising the Powers of this Act, and from Time to Time to receive Plans and Estimates, and, subject as herein-after mentioned, to contract for the Purchase of Lands and Buildings, and for building, erecting, altering, furnishing, and completing such County Lunatic Asylum, and the Yards, Courts, and Outlets thereto belonging; and every such Contractor shall give sufficient Security for the due Performance of his Contract to the Clerk to such Visitors; and all Contracts, when made, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visitors; and when such County Lunatic Asylum shall be declared to be completed, then such Book shall be deposited and kept among the Records of such County Sole, or of such of the Counties so united for the Purposes of this Act as shall have paid the largest Quota or Proportion of the Expences of providing such County Lunatic Asylum, to be inspected at all reasonable Times by any Persons contributing to the County Rates of such County or Counties respectively, or by any such voluntary Subscribers as aforesaid; and all Buildings or Land so to be contracted for and purchased shall be conveyed to such Person or Persons as the Visitors shall think fit, in Trust for the Uses and Purposes of this Act; and the said Visitors shall from Time to Time make their Report to the General Quarter Sessions of the Peace of such County or Counties respectively, of the several Plans, Estimates, and Contracts which shall have been made and entered into in manner aforesaid, and also a Report of the Sum or Sums of Money necessary to be raised and levied on such County Sole as the Expence,

to appoint Clerk and Surveyor;

to contract for the Purchase of Lands;

Contracts to be entered in a Book.

or on each of such united Counties as the Quota or Proportion of the Expence, to be incurred in the several Accounts as aforesaid.

Visitors not to be concerned in Contracts.

XI. Provided always, and be it further enacted, That no Visitor who shall, under the Authority of this Act, do any Matter or Thing in the Execution hereof, shall be capable of having any beneficial Interest or Concern whatsoever, either in his own Name or in the Name of any other Person in Trust for him, in any Contract or Agreement to be made under the Authority of this Act, or shall, for any Design or Plan he may deliver or produce, receive any Benefit or Emolument whatever.

Justices to make Rates to defray the necessary Expences.

XII. And be it further enacted, in order to defray the necessary Expences for the Execution of this Act, That the Justices of the Peace at their General or Quarter Sessions may and shall assess and tax a special County Rate or Rates on all Places liable to contribute to the County Rate, which said special County Rate shall be collected, levied, and recovered in like Manner, and by such Ways and Means, and under such Penalties, as any ordinary County Rate may by Law be collected, levied, and recovered.

Justices may borrow Money upon Mortgage of the Rates herein directed to be raised.

XIII. And whereas the Expences of carrying this Act into Execution may in some Cases become very burthensome on the Occupiers of Land, and others the Contributors to the County Rates, in case the said Expences shall be raised in the Manner herein mentioned; be it further enacted, That when it shall appear in the Report of such Visitors that the Charge and Costs of carrying this Act into Execution will exceed One Half of the Amount of the ordinary Annual Assessment for the County Rate for any County (such ordinary Assessment to be taken on a mean Proportion of the said Rate of the last Five Years preceding that), then and in that Case it shall and may be lawful for the Justices of the Peace within the respective Limits of their Commission, so assembled in their Quarter Sessions as aforesaid, from Time to Time to borrow and take upon Mortgage of the Rates herein mentioned, by Instruments in the Form contained in the Schedule hereunto annexed (No. 2.), or to that or the like Effect, any Sum not less than Fifty Pounds each, at legal or lower Interest, as to them or the major Part of them (such major Part not being less than Five) shall seem necessary and expedient for the Purposes aforesaid, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon such County respectively; and the said Justices so assembled as aforesaid are hereby authorized to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforesaid; and every such Agreement so established by such Order, and signed by the Chairman and Two or more Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agree-

ment respectively shall be for that Purpose stipulated; and the said Securities shall be numbered in Order of Succession in which they shall be granted, and Copies or Extracts of all such Agreements or Securities shall be kept with the Clerk of the Peace, or other proper Officer having the Custody of the Records of the Quarter Sessions of such County respectively; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be entitled to the Money thereby secured, is and are hereby empowered (by endorsing his, her, or their Name or Names on the Back of such Security or Securities) to transfer and assign the same, and his, her, or their Right to the Principal Money and Interest thereby secured, unto any Person or Persons, and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof, shall be made, and his or their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

Rates so raised to be charged with the Interest, and with a further Sum to be applied in Discharge of Interest and Principal.

XIV. And be it further enacted, That the said Justices are hereby authorized and required, not only to charge the Rates to be raised upon such County with the Interest of the Money so borrowed on such Securities, but also with the Payment of a further Sum, equal at least with the Sum so charged for the Interest of such Securities, which said Sum shall be paid and applied, under the Direction of the said Justices, in Discharge of the Interest, and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices are required to fix One or more Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing, and what Principal Money has been discharged, and what remains due; and the said Book or Books, so adjusted and settled, to deliver into Court at every General Annual *Michaelmas* Quarter Sessions to be held for any such County, or at such other Period of the Year in any County in which General Annual Sessions shall be held; and the said Justices are hereby required, at every such Sessions, carefully to inspect all such Accounts, and to make Orders for carrying the several Purposes of this Act into Execution, in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the Person so appointed has neglected the said Order, and has not duly applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit Double the Amount of the Money which shall not have been applied for the Purposes of this Act, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the said Penalty, after the Charges of recovering

A Person to be appointed to keep the Accounts, and deliver the same to the Justices at the Michaelmas Quarter Sessions, who are to inspect them.

Penalty on such Person for Neglect.

For discharging Securities.

recovering the same, shall be paid to the Treasurer of such County Lunatic Asylum, to be applied to the Use of the same; and the said Justices, on a Day and Hour to be fixed at some General Quarter Sessions of the Peace to be holden for such County, (of which Fourteen Days public Notice shall be given as aforesaid,) shall, in open Court, cause all the said several Securities to be drawn by Lot, and numbered for Payment according to the Event of such Drawing, and the Securities so drawn and numbered shall be regularly discharged in Succession, according to the Priority of such drawn Number.

Justices at Sessions may direct Tenants at Rack Rent to deduct One Half of the Rates from their Rent.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Justices of the Peace at their said General or Quarter Sessions, if they shall unanimously agree so to do, to direct that every Tenant at Rack Rent paying such Rent aforesaid may deduct and detain, out of the Rent payable to his or her Landlord or Landlords for the Premises in respect of which such Rent is payable, One Half Part of the full Amount of such Rate; and every Tenant at Rack Rent, having paid such Rate in manner as aforesaid, shall be and is hereby acquitted and discharged of and from the Payment of so much Money as such Half Part shall amount to, as fully and effectually as if the same had been actually paid to any such Landlord or Landlords in part of the Rent due from such Tenant.

Justices to make Provision for paying Money borrowed within a limited Time.

XVI. Provided always, and be it further enacted, That the Justices of the Peace in their respective Quarter Sessions shall and they are hereby required to make Provisions, by means of the Rates (which they are hereby authorized to make), and by their Orders and Directions (which they are hereby authorized to give), in such Manner that the whole Money to be borrowed under the Authority of this Act shall be fully paid and discharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the same.

Bodies Politic, Guardians, &c. may convey Lands.

XVII. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, His Heirs and Successors, and for all Bodies Politic and Corporate, and also for Guardians, Committees, Husbands, Trustees, and Attornies of any Person or Persons, being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges which shall be deemed necessary for the Purposes of this Act, to contract and agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto such Person or Persons as shall be named by the Visitors, in Trust and for the Purpose of erecting or providing such County Lunatic Asylum, and the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

XVIII. And

XVIII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on behalf of any Infants, Lunatics, Idiots, Femes Covert, or Cestuique Trusts, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges shall be limited in Settlement, for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of One hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, Attornies, or any Person or Persons seised or possessed of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so limited in Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee Simple, to be conveyed to or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate or Estates, and to, for, and upon and subject to such Uses, Limitations, Remainders, and Contingencies as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for or in respect whereof such Purchase Money shall be paid as aforesaid, shall be limited, settled, and assured at the Time such Purchase or Contract shall be made in manner aforesaid, or such as shall then be capable of taking Effect, the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the County Lunatic Asylum; and in the meantime, and until such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the Sum of One hundred Pounds, shall be laid out by such Corporations, or other Persons for the Time being interested therein, in some Government Securities, in the Names of Two Persons, one to be nominated by the Party or Parties for the Time being interested therein, and the other by the Visitors aforesaid; and the Interest arising from such Securities shall be paid to such Person or Persons respectively as would have been entitled to the Rents and Profits of such Lands, Tenements, Hereditaments, Easements, and Privileges, in case the same had not been sold, or would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

Application of Money to be paid for the Purchase of Land, &c.

XIX. And be it further enacted, That in case the Body or Person to whom any Sum of Money shall be contracted to be paid for the Purchase of any Lands, Tenements, or Hereditaments, for the Purposes of this Act, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Visitors, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom any Sum or Sums of Money shall be so contracted to be paid as aforesaid cannot be found, or be not known or discovered, then it shall be lawful for the said Visitors to pay the said Sum of Money into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Lands, Tenements, or Hereditaments, (describing

In case of not making out Title, or if Persons cannot be found, Purchase Money to be paid into the Bank.

scribing such Tenements or Hereditaments,) but if not known, then to the Credit of the said Visitors, subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Person making claim to any such Sum of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, on Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum of Money is and are hereby required to give a Receipt for such Sum of Money, specifying for what the same is received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

If Person entitled to Lands, &c. cannot be found, or refuse to execute a Conveyance thereof, upon Payment of the Money into the Bank, such Lands, &c. to vest in the Clerk of the Peace of the County, freed of all Claims.

XX. And be it further enacted, That if any Body or Person seised or possessed of or interested in any Lands, Tenements, or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Visitors, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum of Money as shall have been contracted and agreed to be paid for the Purchase of the same Premises into the Bank of *England*, as herein-before directed (in case the same shall be requisite), for the Use of such Person so interested or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interest, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person, or unknown Person, to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Clerk of the Peace for the Time being, and his Successors in Office, of the County in which such Lands, Tenements, and Hereditaments shall be situated, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person, or unknown Person, of, in, or to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to bar the Dower and Dowers of the Wife of such Person, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and

Issues

Issues of such Person, and every other Person whomsoever; and the same Premises shall and may be thereupon made use of and employed for the Purposes of this Act, according to the Directions of the said Visitors, and under the Regulations of this Act.

Persons in Possession deemed entitled, unless the contrary be shown.

XXI. Provided always, and be it further enacted, Where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or Part thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest thereof, the Body or Person who shall have been in the Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Bodies or Persons claiming under such Body or Person, or under the Possession of such Body or Person, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of, and the Capital of the Bank Annuities to be purchased with such Money, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Person was lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, Part or Parts thereof, or some Estate or Interest therein, or Charge thereon.

The Court may order reasonable Expences of Purchase to be paid by the Treasurer of the County, and charged to the County Rate.

XXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapability of the Body or Corporation or other Person entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the Treasurer of the County, who shall pay such Sums of Money for such Purposes as the said Court shall direct, and charge the same to the County Rate.

Money to be paid before any Use made of the Premises.

XXIII. Provided always, and be it further enacted, That all Sums of Money to be paid pursuant to any such Agreement as aforesaid, shall be paid or tendered to the Party entitled to the same, or into the Bank of *England* as herein mentioned, before the said Visitors, or any Person authorized by them, shall proceed to take possession of any Lands, Tenements, or Hereditaments comprised in or affected by

by such Agreement, or to use the same for any of the Purposes of this Act.

Commissioners of Woods and Forests, with Consent of Treasury, &c. may grant Sites for building.

XXIV. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, by and with the Consent of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, in Writing, or for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster* for the Time being, or for the Duke of *Cornwall*, by any Grant signed by the Chancellor of the Duchy of *Cornwall* for the Time being, to grant any Lands, Tenements, and Hereditaments, as and for a Site of a County Lunatic Asylum, and to be used therewith; and the said Visitors, and the Persons to be appointed by them, and their Successors, shall be and are hereby empowered and made capable of receiving and enjoying the Benefit of any such Grant for the Use and Purposes of this Act.

Justices may purchase Lands, notwithstanding the Statute of Mortmain.

XXV. And be it further enacted, That for the Purposes of this Act the said Visitors shall have full Power, Capacity, and Ability to accept and take from any Person willing to give the same, or otherwise to purchase, take, hold, and enjoy, any Lands, Tenements, Hereditaments, and any Interest therein, and any Money issuing out of or charged upon or to arise from the Sale of Lands, Tenements, and Hereditaments of and to any Value and Amount whatever; the Statutes of Mortmain, or any other Statute or Law to the contrary thereof, in anywise notwithstanding.

Justices to fix Sums to be expended on Purchase of Land and Houses, &c. or in erecting Buildings.

XXVI. And be it further enacted, That in every Case in which a County Lunatic Asylum shall be provided under the Provisions of this Act, it shall be lawful for the major Part of the Justices of the Peace of any County or Counties united under this Act (such major Part not being less than Five), present at any Quarter Sessions of the Peace, or any Adjournment thereof, to be held for such County or Counties, from Time to Time to fix and limit the Sums which may be expended on the Purchase of Lands or Houses, or in the Erection of new Buildings, or in the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, or Courts thereunto belonging, as well on the first Establishment of such County Lunatic Asylum as at any Time during its Continuance; and it shall not be lawful for the Committee of Visitors appointed for the Building, Erection, and Management of such County Lunatic Asylum, to enter into any Contract or Contracts for the Purchase of Lands or Houses, for the Erection of new Buildings, or for the Extension or Alteration of existing Buildings, for the Purpose of such County Lunatic Asylum, or the Yards, Outlets, and Courts thereunto belonging, at a Sum or Sums which may in the whole exceed the Sum so from Time to Time limited and appointed by the Justices assembled in Sessions as aforesaid; and no Contract so entered into by such Visitors shall be held to be valid or legal.

XXVII. And

Visiting Justices may rent Premises for erecting a Lunatic Asylum.

XXVII. And be it further enacted, That it shall and may be lawful for, and the said Visitors, with the previous Consent of the major Part of the said Justices assembled in Sessions, shall have full Power and Authority to take a Demise or Grant of any Houses, Buildings, Lands, Tenements, or Hereditaments, on the Site or Sites of which it shall be proposed to erect or maintain any such County Lunatic Asylum, at a Rent in the Nature of Fee Farm Rent; but such Grant or Demise shall contain a Power for such Justices to purchase the Fee Simple, free from Incumbrances, on Payment of any agreed Sum, not to exceed Thirty Years Purchase of the Rent reserved.

If Asylum be situate in any other County, Justices of the County or Counties to which it belongs may act therein.

XXVIII. And be it further enacted, That when any County Lunatic Asylum so provided or so to be provided for any County or Counties, or any Part thereof, or any Addition to any County Lunatic Asylum already provided, shall be situate within the Limits of any other County, then and in every such Case the Justices of the Peace for the County or Counties to which such County Lunatic Asylum shall belong shall have full Power and Authority to act therein, so far as concerns the Regulation of the same, in the like Manner as if such County Lunatic Asylum, or the Additions thereto, were situate within the Bounds of their respective Counties.

Assessment to Rates not to be increased by reason of Purchases of Land under this Act.

XXIX. And be it further enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Land or Ground already purchased or to be purchased under the Provisions of this or any former Act, for the Purposes of any County Lunatic Asylum, shall be situate, such Land or Ground, with any Buildings to be erected thereon, shall not be assessed to any such Rates, Taxes, or Levies, at a higher Value and more improved Rent than the same Land or Ground was at the Time of such Purchase; nor shall any Building or Buildings, which under this or any former Act has been or shall be erected on such Land, be assessed to any House or Window Tax; any Act or Acts to the contrary notwithstanding.

Visitors to make Regulations and appoint Officers;

XXX. And be it further enacted, That in all Cases where any such County Lunatic Asylum shall have been established under the Authority of this Act, or any former Act or Acts, the major Part of the Visitors appointed as aforesaid to superintend the same, present at a Meeting duly summoned, such major Part not being fewer than Three, shall from Time to Time make such Regulations as to them shall seem expedient for the Management and Conduct thereof, in which Regulations shall be set forth the Number and Description of Officers and Servants to be kept, the Duties to be required, and what Salaries respectively shall be paid to them, and may appoint a Treasurer, and such other Officers and Servants, together with such Number of Assistants as they shall from Time to Time find necessary, in proportion to the Number of Persons confined in such County Lunatic Asylum, and may dismiss any such Officer, Servant, or Assistant, if they see Occasion; and shall from Time to Time fix a certain weekly Rate to be paid for each Person confined in such County Lunatic Asylum, which may be sufficient to defray the whole

and to fix a weekly Rate for Maintenance of Insane Persons.

Expence of the Maintenance and Care, Medicine and Clothing, requisite for such Person, and the Salaries of the Officers and Attendants: Provided always, that such Rate shall in no Case exceed Fourteen Shillings *per* Week; and that the said Visitors shall annually audit the Accounts of the Treasurer, and report the same to the next General Quarter Sessions of the Peace to be holden for the Counties at the Expence of which such County Lunatic Asylum shall have been erected.

Rate not to exceed 14*s.* per Week.

If Rate be found insufficient, Justices in Quarter Sessions may increase it.

XXXI. And be it further enacted, That if the aforesaid Rate of Fourteen Shillings shall be found insufficient, it shall be lawful for the major Part of the Justices of the Peace acting in and for the County or Counties at whose Expence such County Lunatic Asylum shall have been established, present at any Quarter Sessions of the Peace to be holden for such County or Counties, or any Adjournment thereof, (such major Part not being less than Seven,) to make such Addition to such Rate as to them shall seem fit and necessary, and to make an Order accordingly; which Order shall be signed by the Clerks of the Peace, or their Deputies, on behalf of the Court for their respective Counties, and forthwith published in some Newspaper circulated within the County or Counties; and such additional Rate shall be paid by the Overseers of the Poor of the Parishes, Townships, or Places to which the Insane Persons in such County Lunatic Asylum respectively belong, in the same Manner as is provided by this Act with regard to the weekly Rate from Time to Time to be fixed on by the Visitors for the Maintenance, Medicine, Clothing, and Care of such Insane Persons.

A Chaplain to be appointed for every County Lunatic Asylum.

XXXII. Provided always, and be it further enacted, That in every Case where a County Lunatic Asylum shall be provided, a Chaplain shall be appointed for the same, which Chaplain shall be in full Orders, and shall be licensed by the Bishop of the Diocese; and the said Licence shall be revocable by the Bishop whenever he shall think fit to withdraw it; and such Chaplain shall perform on each *Sunday*, and on the great Festivals, the Divine Service of our Church, according to the Forms by Law established.

Visitors to direct Repairs and make Order upon the Treasurers for Payment of Expences.

XXXIII. And be it further enacted, That such Visitors may from Time to Time order all such Repairs or other Expences as may be necessary for such County Lunatic Asylum, and shall direct the same to be paid by an Order upon the County Treasurer where such County Lunatic Asylum shall be established by One County only, or shall apportion the same as afore-mentioned upon each County or Lunatic Asylum, when Two or more County or Counties and Lunatic Asylum are united, and shall make an Order upon the Treasurer of each of the said united Counties, and Treasurer of such Asylum, for the Payment of the Proportion to be paid by such County or Lunatic Asylum, and that such Treasurer shall immediately discharge the same out of any Money which may then be in his Hands, under the Penalty of Double such Sum as he shall be directed to pay, to be recovered from him for the Benefit of such County Lunatic Asylum, by Action in any of His Majesty's Courts at *Westminster*, by the Treasurer of the said County Lunatic Asylum; provided that no Order or Determination

to

to be made at any Meeting of the Visitors which shall be held under this Act shall be made, nor unless due Notice of such Meeting shall have been previously given, according to the Provisions of this Act, or according to the Rules and Regulations made by the Visitors; and that all Acts, Orders, and Proceedings which by this Act are directed to be had, made, or done by or before the said Visitors, and all the Powers and Authorities by this Act vested in them generally, shall and may be made and done by the major Part of such Visitors present at the respective Meetings to be held by virtue of this Act, such major Part not being fewer than Three.

No Order to be made by Visitors unless the major Part concur.

XXXIV. And be it further enacted, That if any Committee of Visitors of any County Lunatic Asylum shall neglect to adjourn any Meeting held for the Purposes of this Act, or where any Circumstance shall occur rendering the Meeting of such Committee necessary within the Period to which their Meeting may have been adjourned, it shall be lawful for the Clerk to such Committee to convene a new Meeting by a Circular Letter to each Member of such Committee, informing him of the Time and Place of such Meeting, Ten Days at least before the same shall be held.

Clerk may convene new Meetings of Visitors in certain Cases.

XXXV. And be it further enacted, That the said Visitors may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Visitors, or any of them, by virtue of this Act, in the Name of the Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Visitors, or any Five or more of them, but the Clerk to the Visitors for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case shall be.

Visitors may sue in the Name of their Clerk, whose Death or Removal shall not abate Actions.

XXXVI. And be it further enacted, That the Justices of the Peace acting in and for any County within *England*, at their several Petty Sessions which shall be held next after the Fifteenth Day of *August* in each Year, shall and they are hereby required to issue their Warrants to the Overseers of the Poor of the Parishes within their respective Subdivisions, in the Form in the Schedule hereunto annexed (No. 3.), to return Lists of all Insane Persons chargeable to their respective Parishes, specifying the Name, Sex, and Age of each Insane Person, and whether such Insane Person be dangerous or otherwise, and for what Length of Time they have been disordered in their Senses, and where confined, or how otherwise disposed of; and the Overseers of the Poor as aforesaid shall, on the Receipt of such Warrants, forthwith prepare such Lists accordingly, in the Form in the Schedule hereunto annexed (No. 4.), and such Lists shall be verified on Oath before any one Justice of the Peace, and, accompanied with a Certificate as to the State and Condition of every Insane Person from a Physician, Surgeon, or Apothecary, shall within Fifteen Days be transmitted by such Overseer to the Clerk of the Peace acting in and for such County, or his Deputy, to be by him laid before the Justices acting for such County at their next General Quarter Sessions; and any Overseer of the Poor to whom any such Warrant shall have been directed and delivered, who shall

Justices at Petty Sessions to require Overseers to make Returns of Insane Persons yearly.

Penalty on Overseers neglecting to make such Returns.

shall not return such List so verified on Oath, and so accompanied with such Certificate as aforesaid, shall for every such Offence be subject to a Fine not exceeding Ten Pounds, to be levied by Warrant of Distress, under the Hands and Seals of Two Justices of the Peace; and it shall be lawful for such Overseers of the Poor, and they are hereby required, to defray the necessary Expences of the Examination of such Insane Persons by a Physician, Surgeon, or Apothecary, out of the Poor Rates of the Parish, Township, or Place to which such Insane Persons respectively belong, or where the legal Settlement of such Insane Person shall not have been ascertained, then out of the Poor Rates of the Parish, Township, or Place in which such Insane Person shall reside.

Penalty on Overseer neglecting to give Notice to Justice of the Peace of the State of Insane Persons.

XXXVII. And be it further enacted, That if any Overseer of the Poor of any Parish or Place to which any Insane Person shall be chargeable, shall for the Space of Seven Days wilfully neglect to give Information of the State of such Person to some Justice of the Peace acting within the Division of the County within which the said Parish or Place is situate, he shall for every such Offence forfeit and pay a Sum of Money not exceeding Ten Pounds nor less than Forty Shillings, (Half to the Informer and Half to the Treasurer of the County, to be by him placed to the Credit of the County,) to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County in which such Parish or Place is situate.

When any poor Person is deemed to be insane, One Justice may require the Overseers to bring such Person before Two Justices, who, upon due Examination, may cause him or her to be sent to the Lunatic Asylum or Licensed House.

XXXVIII. And be it further enacted, That upon its being made known to any Justice of the Peace of any County, that a poor Person chargeable to any Parish or Place within such County is deemed to be insane, either by Notice from the Overseer of such Parish or otherwise, it shall be lawful for the said Justice, by an Order under his Hand and Seal, if he shall so think fit, to require the Overseer of the Poor of the said Parish or Place to bring the said Insane Person before any Two Justices of the Peace of the said County, at such Time and Place as shall be appointed by the said Order; and the said Justices are hereby required to call to their Assistance a Physician, Surgeon, or Apothecary, at the Charge of the said Parish or Place; and if upon View and Examination of the said poor Person, or from other Proof, the said Justices shall be satisfied that such poor Person is insane, the said Justices shall make Inquiry into the Place of last legal Settlement of such Insane Person; and it shall be lawful for them, if they shall so think fit, by an Order under their Hands and Seals, directed to the said Overseer of the Poor, according to the Form in the Schedule (5.) annexed to this Act, to cause the said poor Person to be conveyed to and placed in the County Lunatic Asylum established under the Directions of this or any former Act, for the County, or District of united Counties, for which or any of which they shall act, and if no such County Lunatic Asylum shall have been established, then to some public Hospital or some House duly licensed for the Reception of Insane Persons; and it shall be lawful for the said or any other Two Justices of the Peace of the said County, from Time to Time, as Occasion may require, to make Order on the Overseer of the

Justices to make Order for the Payment of the

Parish or Place wherein such last legal Settlement shall be adjudged to be, for the Payment of all reasonable Charges of conveying such poor Person to such County Lunatic Asylum, public Hospital, or Licensed House; and if such poor Person shall be conveyed to such County Lunatic Asylum or public Hospital, for the Payment of such weekly Sum to the Treasurer of such County Lunatic Asylum, or proper Officer of such public Hospital respectively, as shall be from Time to Time fixed upon by the Visitors of such County Lunatic Asylum, or as may be required by the Regulations of such public Hospital; or if such poor Person shall be conveyed to such Licensed House, for the Payment of such weekly or monthly Sum to the Keeper of such Licensed House, for the Maintenance, Medicine, Clothing, and Care of such poor Person, as such Keeper shall be willing to accept, and as shall appear to the said Justices to be a reasonable Charge in that Behalf; and the said last-mentioned Overseer shall not remove such poor Person from the said House, without an Order for that Purpose made by Two Justices of the Peace for the County in which such House shall be situated, after due Inquiry into the Circumstances of the Case, unless such Person shall have been discharged as cured: Provided always, that the Overseer or other Person so conveying such Insane Person to such County Lunatic Asylum, public Hospital, or Licensed House as aforesaid, shall and is hereby required to deliver a Certificate from the Physician, Surgeon, or Apothecary so called to the Assistance of the Justices as aforesaid, which Certificate such Physician, Surgeon, or Apothecary is hereby required to give, according to the Form in Schedule (6.) annexed to this Act, to the Superintendent of such County Lunatic Asylum or public Hospital, or Keeper of such Licensed House, as the Case may be.

Charges of conveying and maintaining such Person.

Insane Persons not to be removed without Justices Order, unless cured.

Overseer to deliver to the Keeper a Certificate of Examination.

XXXIX. And be it further enacted, That in every Case where Application shall be made to the Visitors of any County Lunatic Asylum, by any Relative or Friend of a Pauper Lunatic Patient confined therein, requiring that he may be delivered over to his Custody and Care, it shall and may be lawful for the Visitors aforesaid, if they shall think fit, upon the Undertaking of such Relative or Friend as aforesaid, to the Satisfaction of the Overseers of the Parish to which such Pauper Lunatic belongs, that he shall be no longer chargeable to such Parish, to discharge such Pauper Lunatic.

Visitors may deliver any Pauper to his Relatives or Friends upon their undertaking that he shall be no longer chargeable.

XL. Provided always, and be it further enacted, That a Medical Practitioner, to be duly authorized and appointed at the Charge of any Parish, shall, with the Consent of the Overseers or Guardians and Directors of the Poor of such Parish, have Liberty, Eight Times in every Year, between the Hours of Eight in the Morning and Six in the Evening, to visit and examine such Pauper Patient belonging to the said Parish as shall be confined in the public Hospital, County Lunatic Asylum, if any such County Asylum shall have been established, or in the House duly licensed for the Reception of Insane Persons, within which any Pauper Patient belonging to such Parish shall be confined, and to report to such Overseers, Guardians, or Directors of the Poor the Result of such Inspection and Examination.

Medical Practitioners appointed by Parishes may visit Eight Times in the Year Pauper Patients confined in any public Hospital, &c.

Where the legal Settlement of Lunatics cannot be discovered, Justices shall send them to the Asylum, or other Place of Confinement for the County where found.

XLI. And whereas it sometimes happens that the Place of legal Settlement of such Insane Persons cannot be ascertained; be it enacted, That in every such Case it shall be lawful for the said Justices, by their said Warrant, to direct such Person to be confined in the County Lunatic Asylum for the County, or District of Counties, within which such Person shall have been found, if any such County Lunatic Asylum shall have been established, and if no such County Lunatic Asylum shall have been established, in some public Hospital or House duly licensed for the Reception of Insane Persons as aforesaid, and to direct that the reasonable Charges for the Removal, Maintenance, Medicine, Clothing, and Care of such Person shall be satisfied and paid by the Treasurer of the County within which such Person shall be found, out of the County Rates, by Order of Two Justices to him directed for that Purpose.

If Settlement has not been ascertained, Two Justices may inquire respecting the same, and if satisfied may make Order for Payment of the Expences.

XLII. Provided always, and be it further enacted, That where the legal Settlement of any Insane Person, confined under any Order of any Two Justices at any County Lunatic Asylum, public Hospital, or any Licensed House, has not been ascertained, it shall and may be lawful for any Two Justices acting in and for the County in which such County Lunatic Asylum, public Hospital, or Licensed House is situate, at any Time to enquire into the last legal Settlement of such Insane Person; and if satisfactory Evidence can be obtained as to such Settlement, it shall and may be lawful for such Justices to make an Order upon the Overseers of the Parish or Township where such last legal Settlement of such Insane Person shall be adjudged to be, for the Repayment of the reasonable Charges of the Removing, Maintenance, Medicine, Clothing, and Care of such Insane Person, incurred within Twelve Calendar Months previous to the Date of such Order, such Charges having been first proved to the Satisfaction of such Justices, and the Amount thereof being set forth in such Order; and it shall and may be lawful for the said or any other Two Justices of the Peace of the said County, to provide for the future Expences necessary for the Maintenance, Medicine, Clothing, and Care of such Insane Person, in the Manner as has been herein-before directed for the Two Justices before whom such Person was originally examined.

Justices of the County in which an Asylum is situate may make Orders upon Overseers of any other County jointly maintaining.

XLIII. And be it further enacted, That in all Cases where Two Justices are empowered to make an Order on the Overseer or Overseers of any Parish, for the Payment of reasonable Charges of Conveyance of Pauper Lunatics, or for the Payment of weekly or monthly Sums for the Maintenance, Clothing, and Care of such poor Persons, it shall be lawful for Two Justices of the County in which such County Lunatic Asylum shall be situate to make such Order on the Overseer or Overseers of any other County which shall jointly maintain such Asylum.

If Persons are wandering about and deemed to be insane, although not

XLIV. And be it further enacted, That upon its being made known to any Justice of the Peace that any Person wandering about and at large within his Jurisdiction is deemed to be insane, it shall be lawful for such Justice, by an Order under his Hand and Seal, if he shall so think fit, to require the Constable or Churchwardens and Overseers

of the Poor of the Parish or Place where such Person is found, or some of them, to bring the said Person before any Two Justices of the Peace of the said County, at such Time and Place as shall be appointed by the said Order; and the said Justices are hereby required to call to their Assistance a Physician, Surgeon, or Apothecary, at the Charge of the said Parish or Place; and if upon Examination of such Person deemed to be insane, or from other Proof, the said Justices shall be satisfied that such Person is so far disordered in his Senses that it is dangerous for such Person to be permitted to go abroad, the said Justices shall make Inquiry into the Circumstances and Place of last legal Settlement of such Insane Person, and it shall be lawful for such Justices to proceed in such Case in the same Manner as has herein-before been directed in the Case of a Person chargeable to any Parish within the Jurisdiction of the said Justices: Provided always, if it shall appear to the said or any other Two Justices, upon Inquiry, that such Person hath an Estate more than sufficient to maintain his or her Family, they shall, by Order under their Hands and Seals, direct the Overseers or Churchwardens of any Parish or Place where any Goods, Chattels, Lands, or Tenements of such Person shall be, to seize and sell so much of the Goods and Chattels, or receive so much of the Annual Rent of the Lands and Tenements of such Persons, as is necessary to pay the Charges of Removal, Maintenance, Clothing, Medicine, and Care of such Insane Person, accounting for the same at the next Quarter Sessions, such Charges having been first proved to the Satisfaction of such Justices, and the Amount thereof being set forth in such Order: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any Relation or Friend from taking such Insane Person under their own Care and Protection.

chargeable, Justices may proceed as in case of Persons chargeable, and make Order for Maintenance.

If the Estate of the Insane Person shall be sufficient, Overseers may levy for their Expences.

XLV. Provided always, and be it enacted, That if any Justice of the Peace shall refuse to make an Order for the Conveyance of any Insane Person to any County Lunatic Asylum, or Licensed House for the Reception of Insane Persons, on the Application of any Overseer of the Poor for such Purpose, he shall deliver to the said Overseer his Reasons in Writing for such Refusal.

Justice refusing to make Order shall give his Reasons in Writing.

XLVI. Provided also, and be it enacted, That if any Person shall feel aggrieved by any Order, or by any Refusal of an Order, of any Justice or Justices as aforesaid, such Person may appeal to the Justices of the Peace at the next Quarter Sessions of the Peace to be holden in and for the County where the Matter of Appeal shall have arisen, the Person so appealing having given to the Justice or Justices against whom such Appeal shall be made Ten Days Notice of his or her Intention to make such Appeal; and the said Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination as they shall think proper; and every such Determination shall be final and conclusive to all Intents and Purposes whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

XLVII. Provided always, and be it enacted, That every Justice who shall have issued an Order for the Conveyance of any Insane Person to

Justices to make Return to the Quarter Sessions

of the Cases brought before them.

to such County Lunatic Asylum, public Hospital, or Licensed House, or who shall have refused to issue such Order, on the Application of the Overseer of the Poor of any Parish, shall make a regular Return to the next General Quarter Sessions of the Peace to be holden in and for the County in which such Parish shall be situate, of all such Cases brought before him, stating in all Cases of Refusal the Reasons thereof; and such Returns shall be regularly filed, and kept among the Records of such Court of General Quarter Sessions.

Sums directed to be paid by Overseers to be levied by Distress if Overseers shall neglect to pay.

XLVIII. And be it further enacted, That if the Overseer for the Time being of any Parish, upon whom any Order of Justices for the Payment of Money under the Provisions of this Act shall have been made, shall, for the Space of Twenty Days next after due Notice of such Order, refuse or neglect to pay the Sums so ordered to be paid, the said Sums, together with the Expences of recovering the same, shall be recovered by Distress and Sale of the Goods of the Overseer so refusing or neglecting, or any of them, by Warrant under the Hands and Seals of any Two Justices of any their respective Counties.

Bastards of Lunatics to have the legal Settlement of the Mother.

XLIX. And be it further enacted, That no Bastard Child which shall be born of any Insane Person in any such County Lunatic Asylum shall hereby gain a Settlement in the Parish in which such County Lunatic Asylum shall be situated, but that the Place of the legal Settlement of any such Child so born as aforesaid shall be in the Parish where the Mother of such Child was last legally settled.

Lunatic Asylums not to be liable to the Reception of Lunatics chargeable to any Place which does not contribute to the Expence.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render any County Lunatic Asylum which may be provided under the Authority of this Act, for the Use of any County or united Counties, liable to the Reception of Insane Persons who may be chargeable to or apprehended in any City, Town, Precinct, Parish, Township, or Place situate within the Limits of such County or united Counties, but claiming Exemption and being exempt from contributing to the County Rate, unless such City, Town, Precinct, Parish, Township, or Place shall have agreed to unite, and shall thereby have contributed to the Expence of the same.

When any Asylum can accommodate more Lunatics, Visitors may order an Addition, whether Paupers or not, under certain Regulations.

LI. Provided always, and be it further enacted, That whenever it shall appear to the Visitors of any County Lunatic Asylum, that the Space within such County Lunatic Asylum is more than sufficient for the Accommodation of Insane Persons, being Paupers, within the Districts for which such County Lunatic Asylum shall have been built, it shall and may be lawful for such Visitors to make Order for the Admission of so many Insane Patients as to them shall seem expedient, not being Pauper or Criminal, or being Paupers, but belonging to any other County, or to any Parish, Township, or Place within the County or Counties by which such County Lunatic Asylum shall have been provided, exempt from contributing to the County Rate of such County or Counties, and which shall not have united with such County or Counties, or contributed to the Expence of such Erection, under the Conditions and Regulations following; (that is

to

to say,) that no such Insane Patient shall be admitted into such County Lunatic Asylum without an Order signed by One Visitor, directed to the Governor or Superintendent of such County Lunatic Asylum, nor without the Certificate, in Writing, of a Physician, Surgeon, or Apothecary, certifying the Insanity of such Patient, nor without an Undertaking, signed by Two substantial Householders, or the Minister and One of the Churchwardens, or the Minister and One of the Overseers of the Poor of the Parish or Place to which such Insane Person shall belong, for the due Payment of the weekly Allowance and other Expences contingent upon the Maintenance and Care of such Insane Person during his or her Continuance in such County Lunatic Asylum, as well as for the Removal of such Insane Person from such County Lunatic Asylum within Three Days after due Notice given, in Writing, by the Governor or Superintendent of such County Lunatic Asylum, under the Penalty of Fifty Pounds, to be recovered and applied as other Penalties are directed to be recovered and applied by virtue of this Act: Provided always, that the weekly Provision for the Maintenance of such Patients, not being Paupers, shall be fixed by the Visitors at such Rate as shall in their Judgment be sufficient to cover every Expence liable to be incurred on account of each Patient.

Provision for Maintenance of Patients not being Paupers.

LII. And be it further enacted, That all Insane Persons committed to such County Lunatic Asylum shall be safely kept, and that no such Person shall be suffered to quit the said County Lunatic Asylum, or to be at large, until the major Part of the Visitors of such County Lunatic Asylum, present at a Meeting duly convened under the Authority of this Act, not being less than Three, shall order the Discharge of such Person, and shall signify the same in Writing under their Hands and Seals, or until any Two Visitors shall, by and with the Advice and Consent of the Physician, Surgeon, or Apothecary usually attending in such County Lunatic Asylum, discharge from such County Lunatic Asylum any Lunatic confined therein, whose perfect Recovery may be certified by the said Physician, Surgeon, or Apothecary, by the like Order under their Hands and Seals; and that if any Officer, Servant, or Assistant in such County Lunatic Asylum shall, notwithstanding, through Neglect or Connivance, permit such Person in any Case to escape and be at large, without such Order as aforesaid, he or she shall for every such Offence forfeit and pay a Sum not exceeding Forty Pounds nor less than Forty Shillings, to be recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace acting for the County in which such County Lunatic Asylum shall be situated, which Warrant such Justices are hereby required to grant upon the Confession of the Party, or upon the Information of any Witness or Witnesses upon Oath, which Oath such Justices are hereby empowered to administer; and the said Penalty, after the Charges of recovering the same shall be deducted, shall be paid, one Moiety to the Informer, and the other Moiety to the Treasurer of the said County Lunatic Asylum, to be applied to the Use of the same.

Penalties on Persons having Lunatics in their Care suffering them to go at large without an Order from the Justices.

Expence of Removal of Paupers from Asylums.

LIII. And be it further enacted, That on the regular Discharge of any Pauper from any such County Lunatic Asylum, public Hospital, or Licensed House, the necessary Expences attending the Removal of such Pauper shall be borne by the Parish in which such Pauper shall be legally settled; and such Expences, being proved to the Satisfaction of and allowed by Two Justices of the Peace acting in and for the County in which such Parish, County Lunatic Asylum, public Hospital, or Licensed House shall be situated, shall be paid by the Overseers of the Poor of such Parish out of the Money raised therein for the Relief of the Poor.

Where Persons charged with Offences are insane, Justices to inquire into their Settlement, and make Order for their Maintenance.

LIV. And be it further enacted, That in all Cases where any Person shall be kept in Custody as an Insane Person by Order of any Court, or by His Majesty's Order subsequent thereunto, it shall and may be lawful for any Two Justices of the Peace of the County where such Person shall be so kept in Custody, to inquire into and ascertain, by the best legal Evidence that can be procured under the Circumstances of personal legal Disability of such Insane Person, the Place of the last legal Settlement, and the Circumstances of such Person; and if it shall not appear that he or she is possessed of sufficient Property which can be applied to his or her Maintenance, it shall and may be lawful for such Two Justices to make Order, under their Hands and Seals, upon such Parish where they adjudge him or her to be legally settled, to pay such weekly Sum for his or her Maintenance in such Place of Custody as One of His Majesty's Principal Secretaries of State shall, by Writing under his Hand, from Time to Time direct; and where such Place of Settlement cannot be ascertained, such Order shall be made upon the Treasurer of the County where such Person shall have been apprehended; but if it shall appear that such Person is possessed of such sufficient Property as aforesaid, then such Justices shall order and direct the same to be applied to pay and satisfy the Expence of the Maintenance of such Person, in the Manner herein-before directed: Provided always, that the Churchwardens and Overseers of the Parish in which the Justices, or the major Part of them, shall adjudge any Insane Person to be settled, may appeal against such Order to the General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, in like Manner and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of such County, who shall be Respondent in such Appeal; which Appeal the Justices of the Peace assembled at the said General Quarter Sessions are hereby authorized and empowered to hear and determine, in the same Manner as Appeals against Orders of Removal are now heard and determined.

Appeal.

Persons convicted of Offences becoming insane during Imprisonment, may be removed

LV. And be it further enacted, That if any Person while imprisoned in any Prison or other Place of Confinement in *England*, under any Sentence of Imprisonment or Transportation, shall become insane, and it shall be duly certified by Two Physicians or Surgeons that such Person is insane, it shall be lawful for One of His Majesty's Principal Secretaries of State to direct, by Warrant under his Hand,

that such Person shall be removed to such County Lunatic Asylum, or other proper Receptacle for Insane Persons, as His Majesty's said Principal Secretary of State may judge proper and appoint; and every such Person so removed shall remain under Confinement in such County Lunatic Asylum, or other proper Receptacle as aforesaid, or in any other County Lunatic Asylum, or other proper Receptacle, to which such Person may be removed by any like Order, until it shall be duly certified to One of His Majesty's Principal Secretaries of State, by Two Physicians or Surgeons, that such Person has become of sound Mind; whereupon His Majesty's said Secretary of State is hereby authorized, if such Person shall still remain subject to be continued in Custody, to issue his Warrant to the Keeper or other Person having the Care of any such County Lunatic Asylum, or other proper Receptacle as aforesaid, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken; or if the Period of Imprisonment or Custody of such Person shall have expired, that he shall be discharged.

to a County Asylum by Order of the Secretary of State.

LVI. And be it further enacted, That the Visitors of each County Lunatic Asylum shall, within One Month previous to the First Day of *June* in every Year, prepare a Report of the Patients confined therein, or who shall have been confined therein within the Twelve Months preceding, according to the Form in Schedule No. 7. hereunto annexed; of which Report a Transcript shall be transmitted by the Clerk of the Visitors to His Majesty's Principal Secretary of State for the Home Department; and the Clerk of such Visitors shall transmit a Copy of such Report to the Clerk of the Commissioners appointed under an Act of the present Session of Parliament, intituled *An Act to regulate the Care and Treatment of Insane Persons in England*, who shall enter the same in a Register to be kept by him for that Purpose, and the Names of all such Patients mentioned in such Report shall be by him entered in one general Alphabetical List, together with a Reference to the County Lunatic Asylum from whence such Reports shall have been respectively transmitted.

Visitors of County Asylums to prepare a Report yearly of the Patients confined therein a Copy of which to be sent to the Secretary of State and to the Clerk of the Commissioners under 9 G. 4. c. 41.

LVII. And be it further enacted, That it shall be lawful for His Majesty's Principal Secretary of State for the Home Department, if he shall see fit, to employ any Medical or other Person to inspect and inquire into the State of any County Lunatic Asylum, and to report to him the Result of such Inspection and Inquiry; every such Medical or other Person so employed shall be paid such Sum of Money for his Attendance and Trouble as to His Majesty's said Principal Secretary of State for the Home Department shall seem an adequate and reasonable Allowance; and such Expence shall be defrayed in the same Manner and from the same Funds as the other Expences attending the County Lunatic Asylum so visited.

Secretary of State may employ any Person to inspect any County Asylum.

LVIII. Provided always, and be it further enacted, That nothing in this Act shall be construed to extend to the Royal Hospital of *Bethlehem*.

Not to extend to Bethlehem Hospital.

LIX. And

For Recovery of Penalties.

LIX. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Order to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before the said Justice or Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had thereupon to levy the said Penalty or Forfeiture, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Overseers of the Poor of the Parish where the Offence shall be committed; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty,

Application of Penalties.

and

and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Appeal to Quarter Sessions.

LX. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be committed, the Person or Persons appealing having first given at least Fourteen Days clear Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Rule for Interpretation of this Act.

LXI. And, in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Words "Treasurer of the County" shall be deemed to include any Officer in any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, who has the Custody of any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; that the Word "Visitor" shall be deemed to include any Justice of the Peace, or Subscriber to any Lunatic Asylum supported by voluntary Contributions, duly appointed according to the Provisions of this Act to superintend the providing, building, or Management of any County Lunatic Asylum; that the Words "Insane Person" shall be deemed to include any Lunatic or Idiot; and that the said Words "Justice," "Treasurer of the County," "Visitor," "Insane Person," and the Words "Clerk of the Peace," and the Words "Overseer of the Poor," and the Word "Churchwardens," shall each be deemed to include any Person acting as such, and any Number of Justices,

Treasurers, Visitors, Insane Persons, Clerks of the Peace, Overseers of the Poor, and Churchwardens, and the Word "Person" shall be deemed to include any Number of Persons; and the Meaning of the said Words shall not be restricted, although the same may be referred to in the singular Number and mascular Gender only; and that the Word "Apothecary" shall be deemed to mean a Person authorized to practise as such under an Act passed in the Fifty-fifth Year of King *George* the Third, intituled *An Act for better regulating the Practice of Apothecaries in* England *and* Wales, and also an Act passed in the Sixth Year of King *George* the Fourth, to amend and explain the aforesaid Act of the Fifty-fifth Year of His late Majesty; and that the Word "County" shall be deemed to include any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate; and the Words "Parish or Place" shall be deemed to include any Township, Hamlet, Tithing, Vill, extra-parochial Place, or any Place maintaining its own Poor; and that the Words "General Quarter "Sessions" shall be deemed to include any General Annual Sessions of the Peace, or any Adjournment thereof; and the Words "County Rate" shall be deemed to include any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; and that the Meaning of the said several Words shall not be restricted, although the same may be subsequently referred to in the singular Number only, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

55G.3. c.194.

Commencement of Act.

LXII. And be it further enacted, That this Act, and the several Matters and Things herein contained, shall commence and take effect from and after the First Day of *August* One thousand eight hundred and twenty-eight, and not sooner.

SCHE-

SCHEDULES referred to in this Act.

No. 1.

FORM of AGREEMENT for uniting Counties, or Lunatic Asylums maintained by voluntary Contributions, [*as the Case may be,*] of and for the Purpose of providing a Lunatic Asylum, or House for the Reception of Insane Persons, pursuant to the Statute of the Year of King *George* the .

IT is agreed, this Day of by and between the Committees of Justices of the Peace severally appointed for the County [*or* Committee of Subscribers, *as the Case may be,*] of to treat for the uniting of the said Counties, or Lunatic Asylum, [*as the Case may be,*] for the Purposes of an Act passed in the Ninth Year of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], that the said Counties, &c. [*as the Case may be*] shall from henceforth be united for the Purposes of the said Act, and adopt in all respects the Provisions, Rules, Orders, and Regulations, and comply with all the Requisites prescribed by the said Act for Counties [*as the Case may be*] uniting for those Purposes, and that a County Lunatic Asylum, or House for the Reception of Lunatics and other Insane Persons, with all necessary Buildings, Courts, Yards, and Outlets, shall be immediately provided at or near and properly fitted up and accommodated for the Purposes mentioned in the said Act; and that the necessary Expences attending upon the providing, building, fitting up, Repairs, and Maintenance of the said County Lunatic Asylum, shall be defrayed by the said County or Counties and Lunatic Asylum, so united, in the following Proportions; (that is to say,)

The County of Four Ninths of the said Expences.

The County of Three Ninths of the same.

The Lunatic Asylum of Two Ninths of the same [*or as the Case may be*].

And we do further agree, that the Committee of Visitors to superintend the Building, Erection, and Management of the said County Lunatic Asylum, shall be formed in the following Proportion: The Justices of the Peace for the said County of shall appoint , the Justices of the Peace for the County of shall appoint , and the Subscribers to the Lunatic Asylum of shall appoint .

And hereunto we, the undersigned Justices of the Peace, being the major Part of each of the Committees of Justices for the said several Counties, and we, the undersigned, being the major Part of the Committee of Subscribers to the Lunatic Asylum, do, on the Part and Behalf of the said Counties and Lunatic Asylum, set our Hands and Seals, this Day of in the Year .

No. 2.

FORM of MORTGAGE and CHARGE upon the COUNTY RATES, for securing the Money borrowed.

WE, of His Majesty's Justices of the Peace, and Chairman of the Court of Quarter Sessions of the Peace of the County, &c. of [*as the Case shall be*], holden at the Day of and Two other of His Majesty's Justices of the Peace acting for the said County, &c. and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], do hereby in open Court mortgage and charge all the Rates to be raised within the said County, &c. [*as the Case may be*], under the Description of County Rates, with the Payment of the Sum of which of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expences of purchasing Lands for building, repairing, &c. [*as the Case shall be*] the County Lunatic Asylum for the said County, &c. or the united Counties of, &c. [*as the Case may be*], and we do hereby confirm and establish the same unto the said his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same after the Rate of *per Centum per Annum*, and do order the Treasurer for such County, &c. or other Person [*as the Case shall be*], to pay the Interest of the said Sum of Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

No. 3.

FORM OF WARRANT. S. 30.

To the Overseers of the Poor of the Parish of in the County of to wit.

WE, and Two of His Majesty's Justices of the Peace in and for the County of hereby require you, in pursuance of an Act of Parliament passed in the Ninth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], to make out a true List of all Insane Persons, being Paupers, within the Parish aforesaid, specifying the Name, Sex, and Age of each Insane Person, and whether such Insane Person be dangerous or otherwise, and for what Length of Time such Lunatics shall have been disordered in their Senses, and where confined, or how otherwise disposed of; and you shall on the Receipt of this Warrant prepare such List according to the Form hereunto

annexed, and verify the same on Oath before any One Justice of the Peace, and return the same, accompanied with a Certificate from a Physician, Surgeon, or licensed Apothecary, as to the State and Condition of each Insane Person, to the Clerk of the Peace or his Deputy; and on neglect to prepare such List, or to return the same within Fifteen Days to the Clerk of the Peace or his Deputy, with such Certificate as aforesaid, or to verify such List on Oath, you will for every such Offence be subject to a Fine not exceeding Ten Pounds. And you are hereby required to take notice, that it shall be lawful for you to defray the necessary Expences of Examination of such Insane Persons by a Physician, Surgeon, or Apothecary, out of the Poor Rates of the Parish.

Given under our Hands and Seals, this Day of in the Year of our Lord

A. B. (L. S.)
C. D. (L. S.)

No. 4.

FORM OF RETURN.

Geo. IV. c. .

A true List of all Lunatics and dangerous Idiots within the Parish or Precinct of in the County of specifying the Name, Sex, and Age of each Lunatic and Idiot, and whether such Lunatics be dangerous or otherwise, and for what Length of Time such Lunatics have been disordered in their Senses, and where confined, or how otherwise disposed of.

Name.	Age.	Sex.	Whether Lunatic or Idiot.	Whether dangerous or otherwise.	For what Length of Time disordered in his or her Senses.	Where confined, and since what Time.	At what Expence.

Sworn by Overseers of the Poor of the said Parish of before me, One of His Majesty's Justices of the Peace acting in and for the County of at this Day of in the Year of our Lord One thousand eight hundred and . } *A. B.*

No. 5.

FORM OF WARRANT.

WHEREAS it appears to us, of His Majesty's Justices of the Peace for the County of having called to our Assistance a Physician, or Surgeon, or Apothecary, [*as the Case may be*], that chargeable to the Parish of in the said County, is lunatic, insane, or a dangerous Idiot [*as the Case may be*], you are hereby directed to cause the said to be conveyed to the County Lunatic Asylum established at , or to the House of situate at in the County of the said House being a House duly licensed for the Reception of Insane Persons.

Given under our Hands and Seals, this Day of

To the Overseers of the Poor of the Parish of

No. 6.

FORM OF CERTIFICATE.

I DO hereby certify, That by the Directions of Justices of the Peace for the County of I have personally examined and that the said appears to be of Insane Mind.

Dated this Day of

No. 7.

FORM OF ANNUAL REPORT.

No. in order of Admission.	Date of Admission of Patient, and by whose Authority sent.	Date of Certificate of Insanity, and by whom signed.	Christian and Surname, Sex and Age of Patient, and whether Single or Married.	Occupation or Profession.	Parish.	Whether found Lunatic by Inquisition and Date.	Signature of the Medical Attendant, and Date of last Visitation, and Observations.	When discharged.	Cured, relieved, or incurable.	Deaths.	Signature of Commissioners or Visitors, and Date of Visitation.	General Observations by Visitors on Condition of Patients and State of the Establishment.
1												
2												
3												
&c.												

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ANNO NONO

GEORGII IV. REGIS.

****

CAP. XLI.

An Act to regulate the Care and Treatment of Insane Persons in *England*. [15th *July* 1828.]

WHEREAS the Laws now existing for licensing and regulating Houses for the Reception of Insane Persons in *England* are ineffectual: And whereas it is expedient that the several Statutes and Acts herein-after mentioned should be repealed, and some other Provision made in lieu thereof, for licensing and regulating such Houses, and for improving the Treatment of Insane Persons; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, the several Statutes and Acts following shall be repealed; viz. an Act passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Madhouses;* and also an Act passed in the Nineteenth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for regulating Mad-houses,' for a further Time therein limited;* and also an Act passed in the Twenty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for making perpetual an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for regulating Madhouses;'* and the same several Statutes and Acts are hereby repealed, and from and after the Commencement of this Act shall cease and determine, save only and except as to such Proceedings under any of the said recited Acts respectively as shall have commenced before the passing of this Act, and which shall and may be continued and proceeded in under the Authority of and according to the Provision of either of the said recited Acts or of this Act, as shall be most expedient.

Repeal of Acts

14 G. 3. c. 49.

19 G. 3. c. 15.

26 G. 3. c. 91.

Secretary of State for the Home Department to appoint Fifteen Commissioners within London, &c. of whom Five to be Physicians.

II. And be it further enacted, That it shall and may be lawful for His Majesty's Principal Secretary of State for the Home Department for the Time being, annually, on the First Day of *August* in every Year, or within Ten Days then next following, by an Instrument under his Hand and Seal, to appoint not less than Fifteen Persons to be Commissioners, during the Space of One Year, for licensing and visiting all Houses within the Cities of *London* and *Westminster*, and within Seven Miles thereof, and within the County of *Middlesex*, for the Reception of Two or more Insane Persons, of which Commissioners Five at the least shall be Physicians; and the said Secretary of State shall cause the Names of such Commissioners to be published in the *London Gazette* within Ten Days after their Appointment: Provided always, that no Physician appointed as such Commissioner shall professionally attend upon the Patients in any House so to be licensed for the Reception of Insane Persons, unless he be specially directed to visit any Patient by any Relative or Friend, under whose Order such Patient has been admitted into such House, or by a Committee appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal of *Great Britain*, being intrusted, by virtue of the King's Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic or Idiot, or of unsound Mind; and the aforesaid Commissioners are hereby empowered to grant Licences, if they shall think fit, in the Manner directed by this Act, for Persons to keep Houses for the Reception of Two or more Insane Persons, within the Cities of *London* and *Westminster*, and within Seven Miles of the same, and within the County of *Middlesex*; and each and every such Commissioner, being a Physician, shall be allowed and paid the Sum of One Pound for every Hour he shall be employed in executing the Duties of the Office of Commissioner, exclusive of travelling Expences: Provided always, that the Number of Commissioners who shall be entitled to receive such Allowance shall never exceed Five at one and the same Time.

Proviso as to Physicians attending Patients in such Houses.

Commissioners to grant Licences for Houses.

Salary to Commissioners being Physicians.

In case of Death or Refusal of Commissioners, others to be appointed.

III. And be it further enacted, That as often as any of the Commissioners to be appointed as aforesaid shall die, or refuse to act, or become unable by Illness or otherwise, it shall and may be lawful for His Majesty's said Principal Secretary of State for the Home Department, by an Instrument under his Hand and Seal, to appoint a Commissioner in the Room of every Commissioner who shall die or refuse or become unable to act; the Name of such Commissioner to be published within Ten Days after his Appointment in the *London Gazette*.

Commissioners to take the following Oath.

IV. And be it further enacted, That every Person who shall be appointed a Commissioner as aforesaid shall, before he shall act in the Execution of his Duty as a Commissioner, take an Oath, or if a Quaker, make a solemn Affirmation, to the following Effect; (that is to say),

'I *A. B.* do swear [*or* solemnly affirm], That I will faithfully and impartially execute all the Trusts committed unto me by virtue of an Act of Parliament made in the Ninth Year of the Reign of His present Majesty, intituled *An Act to regulate the Care and Treatment of Insane Persons in* England. So help me GOD.'

Which Oath or solemn Affirmation it shall and may be lawful for His Majesty's Principal Secretary of State for the Home Department, or one of his Under Secretaries, to administer to every such Commissioner so to be appointed as aforesaid.

No Commissioner while in Office to keep any House for Patients.

V. And be it further enacted, That no Person shall be appointed Commissioner as aforesaid, who shall be, or who shall have been within the Two Years then next preceding, directly or indirectly interested in the keeping any House licensed for the Reception of Insane Persons; and if any Person shall after his Appointment become so interested, and continue to act as such Commissioner, he shall forfeit the Sum of Fifty Pounds, and his Appointment as Commissioner shall thenceforth become null and void, and it shall not be lawful for him to act as such Commissioner.

Chairman of Meetings of Commissioners.

VI. Provided also, and be it further enacted, That at all Meetings of the said Commissioners the Majority present shall chuse a Chairman; and in case of an Equality of Votes, he shall have a Second or casting Vote.

Treasurer and Clerk to be appointed.

VII. And be it further enacted, That His Majesty's Principal Secretary of State for the Home Department is hereby empowered, by an Instrument under his Hand and Seal, to appoint during Pleasure a fit Person to be Treasurer for the Purposes of this Act, and Clerk to such Commissioners; and to allow such Person such Salary for his Trouble as His Majesty's Principal Secretary of State for the Home Department shall think reasonable, exclusive of the Fees to be received by him under this Act.

Clerk to take the following Oath.

VIII. And be it further enacted, That every such Clerk shall at the First Meeting of the said Commissioners next after he shall be appointed take the following Oath, to be administered by the Chairman of such Commissioners:

'I *A. B.* do swear, That I will faithfully execute all such Trusts as shall be committed to my Charge as Clerk to the Commissioners for executing an Act of Parliament made in the Ninth Year of the Reign of His present Majesty, intituled *An Act to regulate the Care and Treatment of Insane Persons in* England; and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office (except when required to divulge the same by legal Authority); and that I am not, nor have been at any Time within the last Two Years, directly or indirectly, concerned or interested in keeping any House for the Reception of Insane Persons. So help me GOD.'

Meetings of Commissioners to grant Licences.

IX. And be it further enacted, That the said Commissioners or any Five or more of them, Two of whom at the least shall not be Physicians or Surgeons, shall meet at such Place as His Majesty's Principal Secretary of State for the Home Department may direct, on the First *Wednesday* in the Months of *January*, *April*, *July*, and *October* in every Year, in order to receive Applications from Persons requiring Licences to keep Houses for the Reception of Two or more Insane Persons within the Cities of *London* or *Westminster*, and within Seven Miles of the same, and within the said County of *Middlesex*,

dlesex, and to grant the said Licences if they shall think fit; and in case on any such Occasion Five such Commissioners shall not be present, then the Meeting shall take place on the next succeeding *Wednesday*, and so on weekly, till such Quorum of Five shall be assembled for the above-mentioned Purpose; and the said Commissioners assembled at every such Meeting shall have Power to adjourn such Meeting from Time to Time, and to such Place, as they shall see fit.

Justices in Quarter Sessions (except in London and Westminster) to grant Licences.

Justices not to be interested.

X. And be it further enacted, That in all other Parts of *England* (except the Cities of *London* and *Westminster*, or within Seven Miles thereof, and the County of *Middlesex*,) the Justices of the Peace assembled in General Quarter Sessions shall have Authority within their respective Counties to grant Licences, if they shall think fit, to Persons for keeping Houses for the Reception of Insane Persons, in the same Manner as the aforesaid Commissioners within their Jurisdiction: Provided always, that no Justice of the Peace shall act in granting such Licence, who shall directly or indirectly be interested in keeping any such House for the Reception of Insane Persons.

Justices at Sessions to appoint Visitors, &c.

XI. And be it further enacted, That the said Justices shall, at the *Michaelmas* General Quarter Sessions of the Peace in every Year, appoint Three or more Justices of the Peace, and also One or more Physician or Surgeon or Apothecary, to act as Visitors of each House of Reception for Two or more Insane Persons within the County; and the said Justices, Physician, Surgeon, or Apothecary, so appointed as Visitors for each House as aforesaid, or any Two of them, shall and are hereby authorized and empowered to visit such House, in manner directed by this Act; and such Visitor, being a Physician, Surgeon, or Apothecary, shall be allowed and paid, for every Day he shall be employed in executing the Duties imposed upon him by this Act, such Sum out of the County Rates as the Justices in General Quarter Sessions shall be pleased to direct: Provided also, that in case of the Death of any Justice, Physician, Surgeon, or Apothecary so appointed Visitor as aforesaid, or of his Refusal or Inability by reason of Illness or otherwise to act as such, it shall and may be lawful for the said Justices, at any General or Adjourned Sessions of the Peace, to appoint a Visitor in the Room of such Justice, Physician, Surgeon, or Apothecary, who shall die, or refuse or become unable to act as aforesaid; and the Names of all such Visitors so appointed at the *Michaelmas* Quarter Sessions, or at any General or Adjourned Sessions of the Peace, shall, within Seven Days after the Appointment, be published in some Newspaper circulated in the County wherein such House shall be situate: Provided always, that no Physician, Surgeon, or Apothecary, interested in or employed in any such House, shall be appointed any such Visitor.

Clerk to the Visitors to be appointed by Justices at Quarter Sessions.

XII. And be it further enacted, That a Person duly appointed by the Justices of the Peace at the Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, in the same Manner and for the same Purposes in the Execution of this Act as the Clerk to the said Commissioners is hereby directed to act; and shall at the First Meeting of such Visitors take the Oath required by this Act to be taken by the Clerk of the said Commissioners to be appointed under this Act *mutatis mutandis*, such Oath to be administered by one of such Visitors;

Visitors; and the said Clerk so appointed shall be paid out of the County Rate for his Services, as well in granting Licences as in attending the said Visitors, such Remuneration as the Justices in Quarter Sessions assembled shall think fit.

Notice of Application for Licence and Plan of House to be given to the Clerk of the Commissioners or Justices 14 Days previous to their Meeting.

XIII. And be it further enacted, That all Persons who shall apply for a Licence for keeping a House for the Reception of Two or more Insane Persons, shall give Notice to the Clerk for the Time being of the said Commissioners, or to the Clerk of the Peace for the County, Fourteen Days at the least prior to any of the Quarterly Meetings of the said Commissioners, or to any General Quarter Session for the County, which Notice shall contain the true Christian and Surname of the Person so applying for a Licence, and the Place of Abode of every such Person; and in case such Person so applying does not propose to reside himself in the said House, the Name and previous Occupation of the Superintendent who is to reside therein; and such Notice, when given, upon Application for a Licence being first made, shall be accompanied by a Plan of every such House proposed to be licensed, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and of every Room and Apartment therein, and a Statement of the greatest Number of Patients proposed to be received into such House; such Notice and Plan to be left with the said Clerk of the Commissioners or Clerk of the Peace, and to be by him laid before the said Commissioners at their Meeting, or before the Justices at their next General Quarter Sessions.

Upon Alteration of House, Notice and amended Plan to be given to Commissioners.

XIV. And be it further enacted, That Notice of any Additions or Alterations that shall have been made to any House licensed under this Act, shall be given to the Clerk of the Commissioners or to the Clerk of the Peace within One Calendar Month next after the Completion thereof, and a Plan of all such Additions and Alterations, to be drawn upon the Scale aforesaid, shall be within the same Time transmitted to the Clerk of the Commissioners, or the Clerk of the Peace of the County wherein such House shall be situate, by the Person to whom the Licence shall have been granted; and if any Person shall wilfully and with Intention to deceive omit giving a full and complete Plan of the whole of the House to be licensed, or of any and all such Additions and Alterations as shall have been made, he shall be guilty of a Misdemeanor.

Licences to be made out by the Clerk, and to be renewed yearly.

XV. And be it further enacted, That every such Licence shall be made out by the Clerk of the Commissioners or the Clerk of the Peace, as the Case may require, and the same shall be renewed every Year; and for the first and every annual Licence to be granted to any Person for keeping a House for the Reception of Two or more Insane Persons, there shall be paid to the Clerk of the Commissioners or Clerk of the Peace, exclusive of the Sum to be paid for the Stamp, the Sum of Two Shillings and Sixpence for every Parish Patient, and the Sum of Ten Shillings for every other Insane Person specified therein as proposed to be received into such House: Provided always, that for no Licence to be so granted shall be paid less than Fifteen Pounds; and that all Monies to be received for such Licences shall be retained by the Clerk of the Commissioners or

Charge for Licences.

Application of Monies.

Clerk of the Peace, and from such Monies all the Expences required to be disbursed in the Execution of this Act shall be paid and defrayed, upon the Order of the said Commissioners or Visitors; and such Clerk of the Commissioners or Clerk of the Peace shall keep a true and correct Account of all such Receipts and Payments, which Account shall be made up, by the Clerk of the Commissioners, to the Thirty-first Day of *May*, and by the Clerk of the Peace, to the Day before the *Michaelmas* Quarter Sessions in every Year, and shall be signed by Five or more Commissioners and Two or more Visitors, as the Case may be; and the said Account, when made out by the Clerk of the said Commissioners, shall be transmitted to the Commissioners of His Majesty's Treasury, who shall thereupon, if they shall deem it necessary, direct the Balance to be paid into the Exchequer, to the Account of the Consolidated Fund; and if there shall be any Balance due to the said Clerk to the Commissioners, it shall be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby empowered, to cause the same to be issued and paid from Time to Time out of any Money in the Exchequer applicable to the growing Produce of the Consolidated Fund; but the said Account, when made out by the Clerk of the Peace in any County, shall be laid before the Justices at their *Michaelmas* Quarter Sessions; and if it shall appear by the said Account that there is a Balance in the Hands of the Clerk of the Peace, the same shall forthwith be paid, by an Order of the said Visitors, to the Treasurer of the County, in aid of the County Rate; and when there shall be found to be any Balance due to such Clerk of the Peace, such Balance shall be paid to him by the Treasurer of the County out of the County Rate, an Order for such Payment being made and signed by Two or more Justices.

Clerk to keep an Account of Receipt and Expenditure, which shall be made up yearly.

Such Account to be transmitted to the Lords of the Treasury, who may apply or make up the Balances.

Balances in Hand of or due to Clerk of the Peace.

Licences to be stamped, and to contain certain Particulars.

XVI. Provided always, and it is hereby enacted, That all Licences to be granted by the said Commissioners or Justices shall be duly stamped with a Ten Shilling Stamp, and shall be under the Hands and Seals of Five or more of the said Commissioners, Two of whom shall not be Physicians or Surgeons, or of Three or more of the said Justices, as the Case may require; and every such Licence shall contain, as well the Christian and Surname and the Profession or Occupation of the Person to whom the same shall be granted, as also the Christian and Surname of the Superintendent or Head Keeper of the House so proposed to be licensed, in case the Person so applying does not intend to reside therein; and also the said Licence shall specify the greatest Number of Patients, distinguishing Parish from other Insane Patients, to be received under the Authority thereof, in the House so licensed.

Revoking of Licences.

XVII. And be it further enacted, That if at any Time a Majority of any Five of the Commissioners appointed under this Act, (One whereof not being a Physician or Surgeon,) or any Three Visitors appointed under this Act, shall recommend to His Majesty's Principal Secretary of State for the Home Department for the Time being, that any Licence or Licences granted by virtue of this Act should be revoked, it shall and may be lawful for such Secretary of State, after making such Inquiries as he shall think necessary, to revoke the same by an Instrument under his Hand and Seal; such Revocation to take Effect at a Period not exceeding Three Calendar Months from the

Time Notice thereof shall have been given in the *London Gazette*; and a Copy of such Instrument of Revocation shall be transmitted to the Person to whom such Licence shall have been granted, his or her Executors or Administrators, by the Clerk of the Commissioners or Visitors in their respective Jurisdictions, before any such Publication shall take place: Provided always, that in case of such Revocation being proposed to such Secretary of State, Notice in Writing shall be given to the Parties so complained of, Seven Days previous to the Transmission of such Recommendation to such Secretary of State.

When Commissioners or Justices shall refuse to renew any Licence, Notice thereof to be given to the Secretary of State.

XVIII. Be it further enacted, That in case the said Commissioners or Justices shall refuse to renew any Licence for keeping a House for Insane Patients, Notice of such Refusal shall be given in manner herein-before mentioned in the Case of revoking any such Licence, and His Majesty's Principal Secretary of State for the Home Department for the Time being shall be empowered, upon the Representation of the said Commissioners or Justices respectively, by an Instrument under his Hand and Seal, to be delivered within One Month after receiving such Representation, to sanction and confirm the Refusal of the said Commissioners or Justices to renew such Licence: Provided nevertheless, that the original Licence of such House shall remain in force until His Majesty's said Secretary of State shall have confirmed as aforesaid the Resolution of the said Commissioners or Justices not to renew such Licence.

No House to be kept without a Licence.

Limitation of Licence.

XIX. And be it further enacted, That from and after the Expiration of Three Calendar Months next after the Commencement of this Act, it shall not be lawful for any Person to keep a House for the Reception of any Two or more Insane Persons, without a Licence for that Purpose first had and obtained in the Manner directed by this Act, and every Person so keeping such House as aforesaid, without having such Licence, shall be deemed guilty of a Misdemeanor: Provided always, that no One Licence for the Reception of Insane Persons shall authorize any Person to keep more than One House for such Purpose, nor shall any Licence granted by virtue of this Act continue in force for any longer Time than Thirteen Calendar Months: Provided also, that all Licences which shall have been heretofore granted, or which shall hereafter be granted under this Act, for keeping Houses for the Reception of Two or more Insane Persons, and notwithstanding the Death of any Person to whom any such Licence shall have been granted respectively, shall remain in full Force until the Period for which they shall have been granted shall have expired, any thing in this Act to the contrary thereof notwithstanding, unless terminated by Revocation by His Majesty's Principal Secretary of State for the Home Department for the Time being, as herein mentioned.

Houses to be inspected by Commissioners or Visitors; but not by their Clerk.

XX. And be it further enacted, That every House licensed for the Reception of Two or more Insane Persons shall be visited by Three at least of the said Commissioners, One of whom shall not be a Medical Practitioner, within their Jurisdiction, or by Two at the least of the said Visitors appointed at Quarter Sessions, at least Four Times in every Year, on such Days and at such Hours of the Day between the Hours of Eight in the Morning and Six in

in the Evening from the Twenty-first of *September* to the Twenty-first of *March*, and between the Hours of Six in the Morning and Eight in the Evening from the Twenty-first of *March* to the Twenty-first of *September* in each Year, and with or without Notice, and for such Length of Time as they shall think fit; and they are hereby empowered to examine the Persons confined therein in such Manner as they shall see fit: Provided always, that it shall not be lawful for the Clerk of the said Commissioners or of the said Visitors to inspect or visit any of the Patients confined in such House.

Concealing any Insane Person from the Inspection of Commissioners to be deemed a Misdemeanor.

XXI. And be it further enacted, That if the Keeper or Superintendant of any such licensed House, or any Keeper or Servant employed in the same, shall fraudulently conceal or attempt to conceal any Person detained as Insane in such House from the Sight, Knowledge, or Inspection of any such Commissioners or Visitors, or from any Medical or other Person authorized under the Provisions of this Act to visit and inspect any such House, and the Patients confined therein, every Person so offending shall be deemed guilty of a Misdemeanor.

Commissioners upon Information of Malpractices taking place in any licensed House, may visit the same at Night.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Visitors, upon receiving Information upon Oath, which Oath they are or any One of them is hereby empowered to administer, that the Party making such Oath hath Cause to suspect and doth verily believe that some Malpractices have taken place in any House licensed under the Provisions of this Act, which Malpractices cannot be ascertained by Examination and Inspection during the Day, respectively to visit and to inspect any such House at such Hour of the Night as to them shall seem advisable, for the Purpose of examining into the Fact of such alleged Malpractices, but no further or otherwise.

Commissioners may summon Witnesses, who shall be subject to Penalty for Neglect.

XXIII. And for the better enabling the Commissioners or Visitors executing this Act to inquire into the several Matters and Things by this Act referred to them, be it enacted, That it shall be lawful to and for the said Commissioners or Visitors from Time to Time, as they shall see Occasion, to require any Person to appear before them to testify the Truth touching any Matters relating to the Execution of the Powers given by this Act; and every Person who shall not appear before the said Commissioners or Visitors pursuant to such Request, (without assigning some reasonable Excuse for not appearing,) or appearing shall refuse to be sworn or examined on Oath or Affirmation, which Oath or Affirmation the said Commissioners or Visitors are hereby empowered to administer, and being thereof convicted before One of His Majesty's Justices of the Peace of the County in which such House is situated, upon Information thereof upon Oath made before any such Justice, shall for every such Neglect or Refusal forfeit and pay such Sum of Money, not exceeding Fifty Pounds nor less than Ten Pounds, as such Justice shall think fit and order.

At such Visitation Commissioners to make Minutes.

XXIV. And be it further enacted, That there shall be kept in every House of Reception for Two or more Insane Persons a Book or Register, in which the said Commissioners and Visitors, within their respective Jurisdictions, shall at every such Visitation make Minutes in Writing of the State and Condition of such Houses which they shall

shall so visit, as to the Care of the Patients therein, and all such other Particulars as they shall think deserving of their Notice, together with their Observations thereupon.

Minutes to be transcribed into a Register.

XXV. And be it further enacted, That the Clerk of the Commissioners, and the Clerk of the Visitors respectively, shall make or cause to be made in Writing a Transcript of such Minute, to be entered in a Register to be kept for that Purpose by the Clerk of the said Commissioners, or Clerk of the Visitors, and the same shall be approved and signed by Three at the least of the said Commissioners, or by the said Visitors, or any Two of them, within their respective Jurisdictions; and the Clerk of such Visitors shall, within Fourteen Days after such Visitation shall have been made, transmit a Copy of such Transcript or Minute to the Clerk of the Commissioners, who shall enter the same into a General Register to be kept for that Purpose by the Clerk of the Commissioners.

Annual Report of all Houses and Patients therein to be made, and a Transcript sent to the Secretary of State and to the Clerk of the Commissioners.

XXVI. And be it further enacted, That the said Clerk of the Commissioners, and the Clerks of the Visitors, within their respective Jurisdictions, shall, within One Month previous to the First Day of *June* in every Year, prepare a full and complete Report of the several Houses within their respective Jurisdictions for the Reception of Insane Persons, and of every Patient confined therein, or who shall have been confined therein within the Twelve Months preceding, according to the Form in the Schedule (A.) hereunto annexed; of which Report a Transcript shall be transmitted by the Clerk of the Commissioners, or the Clerk of the Visitors, to His Majesty's Principal Secretary of State for the Home Department; and the Clerk of such Visitors shall transmit a Copy of such Report to the Clerk of the Commissioners, who shall enter the same into a Register to be kept for that Purpose by the Clerk of the Commissioners.

Alphabetical List of Persons confined to be made therefrom.

XXVII. And be it further enacted, That the Clerk of the Commissioners shall prepare from such Reports an Alphabetical List of all Persons confined, or who have been confined within the last Twelve Months, in such licensed Houses, together with a Reference to the same respectively.

A Transcript of so much of Report as regards certain Patients to be made to the Lord Chancellor.

XXVIII. Provided always, and be it further enacted, That a Transcript of so much of the said Report as shall have reference to Insane Persons who shall have been found Lunatic, Idiot, or of unsound Mind under a Commission issued by the Lord Chancellor or Lord Keeper or Commissioners of the Great Seal of *Great Britain*, being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic, Idiot, or of unsound Mind, shall be sent to the Lord Chancellor or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid.

Insane Persons or Lunatics not to be received into licensed Houses without a Certificate.

XXIX. And be it further enacted, That no Person, not being a Parish Patient, shall be received into any House kept for the Reception of Two or more Insane Persons, in that Part of the United Kingdom called *England*, without a Certificate in the Manner directed by this Act; and if any Person shall knowingly and wilfully receive any Insane Person, or Person represented or alleged

to be Insane, to be taken care of or confined in any such House licensed for the Reception of Two or more such Persons, without such Certificate bearing Date not more than Fourteen Days previous to such Reception, and shall not at the Time of receiving such Patient make a Minute in Writing or Entry of the Christian and Surname, Occupation and Place of Residence of the Person or Persons by whom such Patient shall be brought, or by whose Authority such Patient shall be delivered to his Care, every Person so offending shall be deemed guilty of a Misdemeanor.

Certificate of Admission.

XXX. And be it further enacted, That every Certificate upon which any Order shall be given for the Confinement of any Person (not a Parish Patient) in a House kept for the Reception of Two or more Insane Persons, shall be signed by Two Medical Practitioners, each of them being a Physician, Surgeon, or Apothecary, who shall have separately visited and personally examined the Patient to whom it relates; and such Certificate shall state that such Insane Person is a proper Person to be confined, and the Day on which he or she shall have been so examined; and also the Christian and Surname and Place of Abode of the Person by whose Direction or Authority such Patient is examined, and the Degree of Relationship or other Circumstance of Connection between such Person and the Insane Person; and the Name, Age, Place of Residence, former Occupation, and the Asylum, if any, in which such Patient shall have been confined; and whether such Person shall have been found Lunatic or of unsound Mind under a Commission issued for that Purpose by the Lord Chancellor, or Lord Keeper or Commissioner of the Great Seal intrusted as aforesaid; and every such Certificate for the Confinement of any Person in a House licensed under this Act within the Jurisdiction of the said Visitors shall, if the same be not signed by Two Medical Practitioners, state the special Circumstances, if any, which shall have prevented the Patient being separately visited by Two Medical Practitioners; and any Patient may be admitted into any such licensed House upon the Certificate of One Medical Practitioner only under the special Circumstances aforesaid, provided such Certificate shall be further signed by some other Medical Practitioner within Seven Days next after the Admission of such Patient into any such licensed House as aforesaid; and any Person who shall, knowingly and with Intention to deceive, sign any such Certificate, untruly setting forth any such Particulars required by this Act, shall be deemed guilty of a Misdemeanor; nevertheless, if any special Circumstance shall exist which may prevent the Insertion of any of the Particulars aforesaid, the same shall be specially stated in such Certificate: Provided always, that no Physician, Surgeon, or Apothecary shall sign any Certificate of Admission to any House of Reception for Two or more Insane Persons, of which he is wholly or partly the Proprietor, or the regular professional Attendant; and any Physician, Surgeon, or Apothecary, who shall sign or give any such Certificate, without having visited and personally examined the Individual to whom it relates, shall be deemed to be guilty of a Misdemeanor.

Physicians, &c. not to sign Certificates of Admission if interested.

Pauper Lunatics, how admissible.

XXXI. And be it further enacted, That no Parish Pauper shall be received into any House of Reception for Two or more Insane Per-

sons without an Order under the Hands and Seals of Two Justices of the Peace, or an Order signed by One of the Overseers of the Poor and the officiating Clergyman of the Parish to which such Pauper shall belong, and also a Certificate signed by One Physician, Surgeon, or Apothecary, that such Person is a proper Person to be confined.

Notice to be given to Clerk of the Commissioners, &c. within Seven Days after the Admission of every Patient.

XXXII. And, in order that the said Commissioners and Visitors may know when any Patient is received into any House of Reception for Two or more Insane Persons, be it further enacted, That the Keeper of any such House shall and is hereby required, within the Space of Seven Days next after the Day on which any Person shall have been received into such House, to transmit a Copy of such Order and Certificate as aforesaid to the Clerk of the Commissioners or to the Clerk of the Visitors; which Order and Certificate the said Clerk of the Commissioners or Clerk of the Visitors is hereby required forthwith to enter in a Register to be provided for that Purpose, with the Christian and Surname of each Insane Person so returned to him, and the Asylum or House in which such Lunatic is confined; and every Keeper of any such House who shall knowingly and wilfully neglect so to do shall be deemed guilty of a Misdemeanor.

The like Notice to be given on the Removal or Death of Patient.

XXXIII. And be it further enacted, That whenever any Patient so confined in a House of Reception for Two or more Insane Persons shall be removed therefrom, or shall die, the Keeper of such House shall, within Three Days next after such Removal or Death, transmit a written Notice thereof to the Clerk of the Commissioners or Clerk of the Visitors, or to a Justice of the Peace, as the Case may be; and every Keeper of any such House, who shall upon any such Removal or Death knowingly and wilfully neglect so to do, shall be deemed guilty of a Misdemeanor.

In case of Inquiry, whether any particular Patient is in Confinement, the Commissioners, &c. may give an Order to the Clerk, who shall furnish the Information.

XXXIV. And be it further enacted, That if any Person shall apply to One of the Commissioners, or any Justice of the Peace of the County in which any House of Reception for Two or more Insane Persons is situate, in order to be informed whether any particular Person is confined in any of the said Houses of Reception for Two or more Insane Persons, and the said Commissioner or Justice shall think it reasonable to permit such Inquiry to be made, and shall sign an Order directed to the Clerk of the Commissioners or Clerk of the Visitors for that Purpose, the said Clerk of the Commissioners or Clerk of the Visitors is hereby required, upon the Receipt of such Order, to make Search; and if it shall appear upon Search that the Person so inquired after is or has been confined in any of the said Houses, the said Clerk of the Commissioners or Clerk of the Visitors shall immediately deliver to the Person so applying, in Writing, the Name of the Keeper in whose House the Person so inquired after is or has been confined, the Situation of such House, and a Copy of the Order and Certificate upon which such Person was received into such House, upon Payment of the Sum of Seven Shillings, and no more, for his Trouble.

Houses to be visited by Medical Men.

XXXV. And be it further enacted, That in every House of Reception for Two or more Insane Persons there shall, if it contain One hundred Patients, be a resident Physician, Surgeon, or Apothecary; and every

every such House, containing less than One hundred Patients, in case such House shall not be kept by a Physician, Surgeon, or Apothecary, shall be visited Twice in every Week by a Physician, Surgeon, or Apothecary; and such resident Attendant, or visiting Physician, Surgeon, or Apothecary, is hereby respectively required to report to the Keeper the Condition of the House and State of Health of the Patients; and shall, Once in every Week, enter and sign the same in a Book of Entries to be kept at every such House, according to the Form in the Schedule (B.) hereunto annexed; and such Book of Entries shall by the Keeper of such House be regularly laid before the visiting Commissioners or Visitors for their Inspection, who are hereby required to sign the same in Testimony of its Production.

Persons by whose Authority Patients have been delivered to such Houses, shall visit or appoint some Person to visit them, once in Six Months.

XXXVI. And be it further enacted, That the Person by whom or by whose Authority such Patient shall have been delivered to the Care of the Keeper of any such House, shall in Person, or by some Person duly appointed by him in Writing under his Hand and Seal, such Appointment to be renewed for each Time, visit the Patient so delivered as aforesaid, Once at least in every Six Months during his Confinement; and shall enter in the Journal kept at such House for registering the Visits of the Commissioners or Visitors respectively, as herein-before directed, his Name, and the Date of his Visit; and any Person so appointed as aforesaid shall deposit such Appointment with the Keeper of the said House.

Commissioners may set at liberty Persons improperly confined.

XXXVII. And be it further enacted, That if it shall appear, after Three separate and distinct Visits to be made by the said Commissioners or Visitors within their respective Jurisdictions, Three of which Commissioners shall be Physicians or Surgeons, or One of which Visitors shall be a Medical Practitioner, Twenty-one Days at the least to intervene between each Visit, that any Person is detained in any such House without sufficient Cause, and Notice thereof shall have been duly given to the Keeper of such House, and to the Person by whose Authority such Person was sent, it shall and may be lawful for the said Commissioners at one of their Quarterly Meetings, or at a Meeting specially summoned at Three Days Notice, or for the Justices in Quarter Sessions, or at a Meeting specially summoned at Seven Days Notice, to set such Person at liberty, or otherwise to act under the Circumstances as the Case may seem to require: Provided always, that such Power shall not extend to the Case of any Lunatic who shall have been found of Insane Mind under a Commission issued for that Purpose by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, nor to any Lunatic confined under any Order or Authority of His Majesty's Principal Secretary of State for the Home Department.

Commissioners and Visitors to inquire and state in the Register Book whether Divine Ser-

XXXVIII. And whereas the Hopes and Consolations of Religion may soothe and compose the Minds of Patients, and thereby tend to subdue the Malady under which they are suffering; be it further enacted, That the Commissioners and Visitors, upon their several Visitations herein-before mentioned, shall inquire whether and at what Times Divine Service is read and performed for the Benefit and Consolation of any of the Patients, or what Religious Aid they receive

receive under any Circumstances of intellectual Improvement; and such Commissioners and Visitors shall state, in the Book or Register herein-before directed to be kept for registering the Visits of the Commissioners or Visitors respectively, the Result of such their Inquiry, with such Observations as they shall think useful or necessary; and in those Houses where it shall appear that Divine Service is not performed, or that Religious Communication with any Minister is not permitted, the Keeper or Keepers of such House or Houses shall state in the said Book or Register the Reason or Reasons thereof.

vice is performed in such Houses.

If not performed, the Keeper to state the Reason.

XXXIX. And be it further enacted, That it shall and may be lawful for the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or the Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Court of Common Pleas, or His Majesty's Principal Secretary of State for the Home Department, if he shall see fit, to employ any Commissioner appointed under this Act, or Medical or other Person, to inspect and inquire into the State of any Lunatic Asylum, Public Hospital, or other House or Place for the Confinement of Insane Persons, and to report to him the Result of such Inspection and Inquiry; and every such Medical or other Person so employed by him shall be paid or allowed such Sum of Money for his Attendance and Trouble, as to His Majesty's Principal Secretary of State for the Home Department shall seem an adequate and reasonable Allowance; such Expences to be charged on the Contingency Fund of the Home Office, or on the County Rate, as the Case may be.

Medical or other Persons may be employed to inspect Houses.

XL. And be it further enacted, That no Person shall receive into his exclusive Care and Maintenance, except he be a Relative or a Committee appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, under Pain of being deemed guilty of Misdemeanor, any one Insane Person, or Person represented or alleged to be Insane, without first having an Order and Certificate signed by Two Medical Practitioners, each of them being a Physician, Surgeon, or Apothecary, as is required on the Admission of any Insane Person into a licensed House; and that every such Person so having received into his Charge any Insane Person as aforesaid, shall within Five Days thereof transmit to the Clerk of the Commissioners in *London* a Copy of such Order and Certificate, and shall also state the Parish and County wherein such House shall be situate, and the Name of the Occupier thereof, and such Order, Certificate, and Return shall be sealed, and indorsed "Private Return;" and also on the First Day of *January*, or within Seven Days thereof, in every Year, every such Person shall also transmit to such Clerk a Certificate signed by Two Physicians, Surgeons, or Apothecaries, describing the then actual State of such Insane Person; and in case of the Death or Removal of such Insane Person, he shall forthwith notify the same to such Clerk; all which said Orders, Certificates, Returns, and Notifications shall be filed and duly preserved, and the said Clerk shall make therefrom a separate Register, containing the true Christian and Surname of each Insane Person so confined, together with the Place of Confinement, which Register, together with the said Orders, Returns, Certificates, and Notifications, shall be open only to the Inspection of His Majesty's Principal

Regulations as to Persons with whom Lunatics are privately confined.

Secretary of State for the Home Department, and of the Lord High Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, and of such other Persons as shall be authorized to inspect the same, by an Order under their respective Hands and Seals.

Secretary of State may erase Name of Lunatic from Register.

XLI. Provided always, and be it further enacted, That it shall and may be lawful for His Majesty's said Principal Secretary of State, in all Cases in which any Patient shall die or have been discharged as cured, to direct, if he shall see fit, that the Name of such Patient shall be wholly erased from the said Register.

Lord Chancellor and Secretary of State may order Visitation of Patients in care of Relatives, &c.;

XLII. Provided always, and be it further enacted, That it shall and may be lawful for the Lord High Chancellor, or Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or His Majesty's Principal Secretary of State for the Home Department, if they shall see fit, at any Time or Times, by any Order by either of them directed to the said Commissioners or to any other Person whom they shall think fit to appoint, to require the said Commissioners, or other Person so appointed, to visit and examine any Person confined as an Insane Person, who shall be confined in the Care of any Relative or Friend, or in the exclusive Care and Maintenance of any other Person, and to make a Report to the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid, or to His Majesty's Principal Secretary of State, of such Matters as in such Order they shall be directed to inquire into: Provided always, that the said Secretary of State shall have no Authority under this Act to order a Visitation or Examination of any Patient under a Committee appointed by the Lord High Chancellor, the Lord Keeper or Commissioners of the Great Seal intrusted as aforesaid.

but not Patients under an appointed Committee.

Convictions to be drawn up in the following Form.

XLIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

'BE it remembered, That on the Day of
'in the Year of our Lord *A. B.* is convicted
'before us, Two of His Majesty's Justices of the
'Peace for the County of [*specifying the Offence,*
'*and the Time and Place when and where the same was committed, as*
'*the Case shall be.*] Given under our Hands and Seals the Day and
'Year aforesaid.'

Clerk of the Commissioners to enforce Act, and recover Penalties.

XLIV. And be it further enacted, That it shall and may be lawful for the Clerk of the Commissioners, or Clerk of the Peace of the County where any House for the Reception of Insane Persons is situate, and he is hereby required, to enforce the due Execution of this Act, and to sue for and recover all Penalties or Forfeitures granted by this Act.

Proceedings of Proprietors to be justified

XLV. And whereas it is not intended by this Act to give the Proprietors or Keepers of any House to be so licensed as aforesaid, or

any other Person concerned in confining any of His Majesty's Subjects therein, any new Justification, from their being able to prove that the Persons so confined have been sent there by such Direction and Advice as are required by this Act; be it therefore declared and enacted, That in all Proceedings which shall be had under His Majesty's Writ of Habeas Corpus, and in all Indictments, Informations, and other Actions that shall be preferred and brought against any Person or Persons for confining or ill-treating any of His Majesty's Subjects in any of the said Houses, the Parties complained of shall be obliged to justify their Proceedings according to the Course of the Common Law, in the same Manner as if this Act had not been made. in course of Common Law.

XLVI. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Order to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Persons so convicted; and it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before the said Justice or Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant of Distress it shall appear that no sufficient Distress can be had thereupon to levy the said Penalty or Forfeiture, and such Costs and Charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice Recovery and Application of Penalties.

or

or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Overseers of the Poor of the Parish where the Offence shall be committed, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Appeal to Quarter Sessions.

XLVII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be committed, the Person or Persons appealing having first given at least Fourteen Days clear Notice in Writing of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Securities conditioned to try such Appeal and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Limitation of Actions.

XLVIII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and shall be laid or brought in the County, City, or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit shall and may at his Election plead specially, or

General Issue.

the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County, City, or Place, or shall not have been commenced

commenced within the Time before limited for bringing the same, that then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath or have in any other Cases by Law. Treble Costs.

XLIX. Provided always, and it is hereby further enacted, That it shall not be lawful for any Person whatsoever to commence, prosecute, enter, file, or prefer any Action, Bill, Plaint, Information, or Indictment against any Person under or by virtue of this Act, unless the same be commenced, prosecuted, entered, filed, or preferred by Order of the said Commissioners at their said Quarterly Meeting, or by the Justices at their General Quarter Sessions within their respective Jurisdictions; and if any Action, Bill, Plaint, Information, or Indictment shall be commenced, entered, filed, or preferred by or in the Name of any Person whatsoever, except upon such Order as aforesaid, the same, and all Proceedings thereupon had, shall be null and void, and the Court or Courts, Justice or Justices of the Peace, where or before whom such Action, Bill, Plaint, Information, or Indictment is or shall be, or commenced, prosecuted, entered, filed, or preferred, shall not permit or suffer any Proceeding or Proceedings to be had; and no Commissioner or Justice shall in anywise be liable to any Criminal Proceeding or Civil Action for any Reasons to be given in the Execution of this Act. Actions not to be brought except by Order of Commissioners.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Royal Hospital of *Bethlehem*, or to any Building erected adjacent thereto for the Confinement of Criminal Lunatics, or to the Royal Military or Naval Hospitals, or to any Lunatic Asylum already erected and established under an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, or hereafter to be erected and established under the Provisions of an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act to amend and consolidate the Laws relating to the Erection, Maintenance, and Regulation of County Lunatic Asylums, and to the Care and Maintenance of Lunatics, being Paupers or Criminals, in* England. Act not to extend to Bethlehem Hospital or to Lunatic Asylums established under 48 G. 3. c. 96. or 9 G. 4. c. 40.

LI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to any public Hospital or Parts of public Hospitals, or other charitable Institutions, supported wholly or partly by voluntary Contributions, in which Lunatics are received, or to any Lunatic Asylum built and established by voluntary Contributions, and supported by applying the Excess of Payments of the more affluent in reduction of the Payment by Persons in more limited Circumstances, excepting in as far as relates to Certificates of Admission, and Visitations appointed by the Lord Chancellor, or Lord Keeper or Commissioners of the Great Seal, or the Lord Chief Justice of the Court of King's Bench, or the Lord Chief Justice of the Nothing herein to extend to public Hospitals or Institutions; except as to Certificates of Admission, to Visitations, and to the Trans-

mission of Names of Patients.

the Court of Common Pleas, or His Majesty's Principal Secretary of State for the Home Department, and the Transmission to the Clerk of the Commissioners Annual Report, as herein-before directed.

Interpretation of Act.

LII. And, in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "County" shall be deemed to include any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; that the Word "Parish" shall be deemed to include any Township, Hamlet, Vill, Tithing, extra-parochial Place or Place maintaining its own Poor; that the Words "County Rate" shall be deemed to include any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; that the Word "Visitor" shall be deemed to include all Justices, Physicians, Surgeons, or Apothecaries, appointed at a General or Adjourned Quarter Sessions to visit Houses of Reception for Two or more Insane Persons; that the Words "Insane Persons" shall be deemed to include any Lunatic or dangerous Idiot; that the Words "Parish Patient" shall be deemed to include any Person sent to and maintained at any House licensed for the Reception of Insane Persons wholly or in part at the Expence of any Parish; that the Words "Clerk of the Peace" shall be deemed to include any Person acting as such, or any Deputy duly appointed; that the Word "Apothecary" shall be deemed to include any Person authorized to practise as such under the Act passed in the Fifty-fifth Year of King *George* the Third, intituled *An Act for the better regulating the Practice of Apothecaries throughout* England *and* Wales, or under an Act passed in the Sixth Year of *George* the Fourth, intituled An Act to amend and explain the said Act of the Fifty-fifth Year of His late Majesty; and the Words "Treasurer of the County" shall be deemed to include any Officer who has the Custody of any Funds assessed upon or raised in or belonging to any County, Riding, Division of the County of *Lincoln*, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; and that the Word "Person" shall be deemed to include any Number of Persons; and that the Meaning of the aforesaid Words shall not be restricted, although the same may be subsequently referred to in the singular Number and masculine Gender only.

55 G. 3. c. 194.

6 G. 4. c. 133.

Public Act.

LIII. And be it enacted, That the Powers and Authorities granted by this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of Act.

LIV. And be it further enacted, That this Act, and the several Matters and Things therein contained, shall commence and take effect from and after the First Day of *August* and not sooner, and shall continue in force for the Term of Three Years, and from thence to the End of the next Session of Parliament.

SCHE-

SCHEDULE (A.) referred to in this Act.

FORM OF ANNUAL REPORT.

No. in order of Admission.	Date of Admission of Patient, and by whose Authority sent.	Date of Certificate of Insanity, and by whom signed.	Christian and Surname, Sex and Age of Patient, and whether Single or Married.	Occupation or Profession.	Parish.	Whether found Lunatic by Inquisition, and Date.	Signature of the Medical Attendant, and Date of Visitation and Observations.	When discharged.	Cured, relieved, or incurable.	Deaths.	Signature of Commissioners or Visitors, and Date of Visitation.	General Observations by Visitors on Condition of Patients and State of the Establishment.
1.												
2.												
3.												
&c.												

SCHEDULE (B.)

WEEKLY REGISTER to be kept in each House for the Inspection of Commissioners or Visitors.

Number of curable Men.	Number of incurable Men.	Number of curable Women.	Number of incurable Women.	Number of Men under Restraint.	Number of Women under Restraint.	General Remarks.

In Cases of Restraint, the Necessity to be certified by the Physician, Surgeon, or Apothecary.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XLII.

An Act to abolish Church Briefs, and to provide for the better Collection and Application of voluntary Contributions for the Purpose of enlarging and building Churches and Chapels. [15th *July* 1828.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Queen *Anne*, intituled *An Act for the better collecting Charity Money on Briefs by Letters Patent, and preventing Abuses in relation to such Charities*; and it is expedient to repeal the said Act, and to provide for the better Collection and Application of voluntary Contributions for enlarging, building, rebuilding, and repairing Churches and Chapels in *England* and *Wales*: And whereas in the Year One thousand eight hundred and eighteen a Society was instituted, by the Name of "The Society for promoting the Enlargement and Building of Churches and Chapels," consisting of Persons who had contributed or should contribute Twenty Guineas in One Donation, or Two Guineas annually; which Society, governed under certain Rules and Regulations, has tended greatly to promote the good and laudable Objects for which it was instituted, and would be enabled to promote the same still more effectually if the said Society were incorporated, with such Powers and Privileges as are herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act of Queen *Anne* shall be and the same is hereby repealed, except as to such Briefs issued before the passing of this Act as are now in progress, with respect to which the said Act shall remain in force. 4 Ann. c. 14. Repeal of recited Act, except as to Briefs in progress.

II. And be it enacted, That from and after the passing of this Act all such Persons as now are or hereafter may become Members of the said The Church-building Society to be incorporated.

said Society shall be and are hereby declared to be a Body Corporate, by the Name of "The Incorporated Society for promoting the Enlargement, Building, and Repairing of Churches and Chapels."

Presidency, &c. of the Society.

III. And be it enacted, That the Archbishop of *Canterbury* for the Time being shall be the President of the said Society, and that the Archbishop of *York* for the Time being, and the Bishops of the Two Provinces for the Time being, shall be Vice Presidents thereof, together with such Lay Peers and Commoners, being Twenty-five in Number, as now are Vice Presidents of the said Society; and that all Vacancies which shall from Time to Time occur in that Number of the Vice Presidents shall be filled up from the Lay Members of the Society by the Committee thereof.

Constitution of the Committee.

IV. And be it enacted, That the said Society shall be governed by a Committee, which shall consist of the President, Vice Presidents, and Treasurer, who shall be Members thereof in virtue of their several Offices, and of Thirty-six Members elected from the Society, One Half at least of whom shall be Laymen; and the Treasurer, together with One Fourth of the Thirty-six elected Members of the Committee in rotation, shall vacate their Offices at the Annual General Court, but shall be capable of immediate Re-election: Provided always, that all such Persons as before the passing of this Act shall have been elected to and are now filling the respective Stations of Treasurer, or of Members of the Committee of the said Society, shall continue to fill the same, without any fresh Election, until vacated as aforesaid.

Qualification for Members of the Society.

V. And be it enacted, That all Persons who shall contribute Ten Guineas in One Donation, or One Guinea annually, shall be Members of the said Society, and have a Right to vote at General Courts, and be eligible to the Committee, provided such Annual Subscriptions shall not then be in arrear.

General Court, when to be holden; Business to be there transacted.

VI. And be it enacted, That a General Court shall be holden annually in *May*, and oftener if the Committee shall think it expedient; and that at the General Court Three Auditors shall be appointed for the Year ensuing, a Treasurer elected, and the Vacancies in the Committee filled up from a Double List prepared by the President and Vice Presidents, and that all such Elections and Appointments shall be by Ballot.

Number of the acting Committee; their Powers and Duties.

VII. And be it enacted, That every Order to be made and Act to be done by the Committee for the Time being of the said Society shall be made and done with the Consent of the Majority of the Members present at any Meeting of the Committee, such Meeting to consist of not less than Five; and the Committee, or the major Part of them at any such Meeting, shall have full Power and Authority to make all such Laws and Regulations, not being repugnant to the Laws of this Kingdom, or to the express Provisions of this Act, as to them shall from Time to Time seem expedient, for the Management and Government of the said Society, and for carrying its Designs into Effect; and shall have the sole Management, Controul, and Disposition of the Estates, Funds, Revenues, and other Property which now or may hereafter belong to the said Society; and shall have

the Power of affixing the Common Seal of the said Society, or directing it to be affixed, to such Instruments as the said Committee or such major Part of them shall think fit; and shall have the sole Controul over and Appointment of all Officers, Agents, or Servants whom it may be thought expedient to employ in the Service of the said Society, or in any of the Concerns relating thereto: Provided always, that such Laws and Regulations so to be made as aforesaid shall not be of any Force or Effect unless the same shall be confirmed by the Members of the Committee, or the major Part of them, who shall be present at the next Meeting of the said Committee after the same shall have been first made, such next Meeting to consist of not less than Five.

Proviso as to Bye Laws.

VIII. Provided always, and be it enacted, That the Committee of the said Society, in the Selection of Parishes and Extraparochial Places to which they shall grant any Part of their Funds towards the enlarging or building of any Churches or Chapels, shall have regard to the Amount of the Population, and also to the Disproportion between the Number of Inhabitants and the present Accommodation for Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland*; and in giving Preference among such Parishes and Extraparochial Places, shall have regard to the Proportion of the Expence which shall be offered to be contributed or raised by such respective Parishes or Places, towards the Enlargement or Building of Churches or Chapels therein, and to the pecuniary Ability of the Inhabitants thereof.

Rules to be observed by the Society in selecting Parishes for Grants, &c.

IX. Provided also, and be it enacted, That in granting Aid towards the Repairs of Churches and Chapels which have fallen into a State of great Dilapidation without Neglect or Fault of the existing Parishioners, and the entire Expence of repairing which the Parishioners shall be proved, to the Satisfaction of the Committee of the said Society, to be unable to defray, Reference shall be had to the Amount of Money raised by the Parishioners by Rates or Subscription, and to the Improvement which it may be proposed to effect in the Accommodation for the Poor.

Further Rules for the like Purpose.

X. And be it enacted, That as often as His Majesty shall be graciously pleased to issue his Royal Letters, directed respectively to the Archbishops of *Canterbury* and *York*, authorizing the Collection of voluntary Contributions within their several Provinces, for the Purpose of aiding the enlarging, building, rebuilding, or repairing of Churches and Chapels in *England* and *Wales*, or in any Part thereof, in every such Case all the Contributions so collected shall be paid over to the Treasurer of the said Society, or his Order, and shall be employed by the said Society in carrying its Designs into Effect.

All Sums collected under Royal Letters for aiding the building, &c. of Churches, shall be applied by the Society.

XI. And be it enacted, That Accounts shall annually be presented to His Majesty, of the Progress made by the said Society in the Execution of its Designs, stating the Number of Churches or Chapels enlarged, built, rebuilt, or repaired, or in the Course of being so, the Money expended, and for what Purposes, and all such other Particulars as shall be necessary for explaining the Progress made by the said Society, together with a List of all Officers, Agents, and Servants employed

Accounts of the Society to be laid annually before Parliament.

employed by the said Society, and a Statement of their respective Salaries.

Society may send and receive Letters free of Postage.

XII. And be it enacted, That the said Society may receive and send all Letters and Packets relating to the Execution of the Powers and Trusts of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Society by the Post shall be directed to "The Incorporated Society for promoting the Enlargement, Building, and Repairing of Churches and Chapels;" and that all such Letters and Packets as shall be sent by the said Society shall be dated from their Office, and shall be signed on the Outside by such Person as the said Society shall appoint, with the Consent of the Commissioners of His Majesty's Treasury, or any Three or more of them, under such Restrictions and Regulations as the said Commissioners shall think proper and direct.

Balances in the Hands of the Undertaker of Briefs to be transferred to the Society.

XIII. And whereas there is a certain Sum of Money remaining in the Hands of *John Stevenson Salt* Esquire, the Undertaker of Briefs, arising from Balances of Monies collected upon Briefs which have not been wanted or required for the Purposes for which the same were collected; be it therefore enacted, That such Sum shall be transferred to the said Society, and that upon such Transfer being made the said *John Stevenson Salt* shall be released and discharged from all Claims and Demands in respect of such Sum, or of any Part thereof.

Compensation to be made to the Clerk of the Briefs.

XIV. And whereas *George Humphrys* is seised to himself, his Heirs and Assigns, of the Office of Clerk of the Briefs, for the Lives of himself and of *Josiah Humphrys* his Son, by virtue of certain Letters Patent, and the Profits of the said Office will be extinguished by the Repeal of the said Act of Queen *Anne*, and Compensation should therefore be granted to the said *George Humphrys* for the Loss of such Profits; be it therefore enacted, That the said Society shall, out of the Sum so to be transferred to them as aforesaid, grant such Compensation to the said *George Humphrys*, for his Interest under the said Letters Patent, as shall be a full Equivalent for the Loss of the Net Profits of the said Office, such Net Profits to be calculated upon an Average of the last Seven Years.

Secretary of State to make Order as to the Disposal of Briefs on Hand.

XV. And whereas there is a large Number of Briefs now in the Possession of the said *John Stevenson Salt*, which have been returned to him after the Collections made thereon; be it therefore enacted, That it shall be lawful for any one of His Majesty's Principal Secretaries of State to make such Order as he shall think fit, respecting the Manner of disposing of the said Briefs.

Public Act.

XVI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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ANNO NONO

GEORGII IV. REGIS.

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C A P. XLIII.

An Act for the better Regulation of Divisions in the several Counties of *England* and *Wales*.

[15th *July* 1828.]

WHEREAS by divers Acts now in force it is enacted, that certain Matters and Things, in the same respectively mentioned, shall be transacted and determined within the Divisions or Limits within which the same shall arise, or the Parties therein concerned inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling within or near to, or usually acting within, such Divisions or Limits respectively: And whereas the Boundaries of such Divisions or Limits are in some Instances uncertain, and in many have become inconvenient to the Inhabitants within the same, from the Change or Increase of Trade or Population, or from other Causes: And whereas Doubts have arisen as to the Authority by which such Divisions or Limits may from Time to Time be constituted, defined, or altered; and it is expedient that such Doubts should be removed, and due Provision made for the constituting, defining, and regulating from Time to Time such Divisions or Limits, as the Convenience of the Inhabitants within the same may require; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time or Times after the *Michaelmas* Quarter Sessions next following the passing of this Act, it shall be lawful for any Two or more Justices of the Peace for any County, Riding, or Division in

Justices to forward to the Clerk of the Peace a Statement of

the Townships, Places, &c. that would form a proper Division for which Special Sessions should be held.

England or *Wales*, having a separate Commission of the Peace, to transmit to the Clerk of the Peace a Statement in Writing, signed by such Justices, of the Parishes, Tithings, Townships, and Places within the same, which, in the Opinion of such Justices, would form together a convenient and a proper Division within and for which Special Sessions should thenceforward be held; or of any Parishes, Tithings, Townships, or Places, which, in the Opinion of such Justices, ought to be annexed, for the same Purposes, to any other Division in the said County than those or that of which at the Time of making such Statement they form Part; and that every such Statement shall, among other Things, set forth within what existing Divisions or Division, Limits or Limit, the several Parishes, Tithings, Townships, and Places enumerated in the same, are situated or deemed to be; and also whether One or more and what existing Divisions or Limits will be altered by such proposed new Divisions, or by the Change of any Place or Places from one Division to another; and also the Names of such Justices of the Peace as at the Date of such Statement are usually resident or acting as such within the Boundaries of such proposed new Division.

Statement to be laid before the Justices at the next Quarter Sessions, who are to adopt or reject the same.

II. And be it further enacted, That at the Quarter Sessions next following the Receipt of every such Statement, setting forth such Particulars as are above enumerated, and not otherwise, the Clerk of the Peace shall and he is hereby required to lay the same before such Justices of the Peace in such Sessions assembled; and the Justices of the Peace for such County, Riding, or Division, having such separate Commission of the Peace, shall and they are hereby required (except in the Cases herein-after provided for) to proceed, at the Quarter Sessions next following the laying of such Statement before them as aforesaid, to the Consideration thereof, and at their Discretion to adopt the same wholly or in part, or to reject the same altogether, or to adjourn their Determination thereupon to the next or any succeeding Quarter Sessions.

Clerk of the Peace to advertise Statement and other Particulars in the Newspapers.

III. And be it further enacted, That immediately after the Quarter Sessions at which such Statement shall have been first laid before the Justices of the Peace, the Clerk of the Peace shall cause to be published a Copy of such Statement in Three successive Numbers of One or more weekly Newspapers usually published or circulated within the same County, Riding, or Division, and in which the Advertisements of County Business are usually inserted; and at the Foot of such Copy shall also cause Notice to be given that such Statement has been laid before such Justices in pursuance of the Directions of this Act, and that the same will be taken into Consideration by the Court at the then next ensuing Quarter Sessions.

If Justices approve, an Order to be made for constituting a new Division, and the Clerk of the Peace to publish the same.

IV. And be it further enacted, That when and so often as the Justices of the Peace of any such County, Riding, or Division, having a separate Commission of the Peace, shall adopt wholly or in part any such Statement so laid before them, and shall determine to change any Parish, Tithing, Township, or Place, from one Division to another, or to constitute any new Division, within which Special Sessions shall thenceforward be holden, the said Justices of the Peace shall thereupon

upon make an Order for such Alteration, or for the constituting and defining such new Division, and in such last-mentioned Order shall particularly enumerate the several Parishes, Tithings, Townships, and Places to be comprised within such new Division, and shall also specify the Division or Divisions within which respectively any Parishes, Tithings, Townships, and Places, disannexed by such Order from any former Division, and not forming Part of such new Division, shall thenceforward be taken to be, and also shall affix to such new Division the Name of some principal and convenient Parish, Township, or Place within the same, and also shall, in either of such Orders, as the Case may be, particularly set down the Day from which such Order shall take effect; and the Clerk of the Peace for such County, Riding, or Division, shall forthwith publish a Copy of such Order in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall transmit a Copy of such Order to every High Constable within the Limits of such new or altered Division or Divisions.

No new Division to be constituted unless Five Justices at least shall be proved to be resident therein.

V. Provided always, and be it further enacted, That nothing in this Act shall be taken to authorize, and that it shall not be lawful for any Justices in any Court of Quarter Sessions to make any Order constituting such new Division, unless upon due Proof before them made in open Court upon Oath, that for Two Years next before the making of such Proof there have been, and at the Time of making the same there are, at the least, Five Justices of the Peace residing in or usually acting within the Boundary Line proposed to be the Limits of any such new Division.

New Divisions to be deemed lawful Divisions for holding Special or Petty Sessions, or other Meetings of Justices.

VI. And be it further enacted, That from and after the Day so specified in such Order, for the Term of Twenty-one Years, and until further Order of Sessions after the Expiration of that Time, and subject to no Alteration or Revision during such Term, except as herein-after provided, all Matters and Things which by Law are now or hereafter may be required to be, or which now are, usually transacted or determined within the Division within which the same shall have arisen, or the Parties therein concerned inhabit or exercise their Trade or Calling, and by or before One, Two, or more Justices of the Peace dwelling or usually acting within the same, shall be transacted and determined, so far as the same Matters and Things arise within or concern the Inhabitants of such new or altered Division, or any of them, or the Persons exercising their Trade or Calling therein, within the Boundaries of such new or altered Division; and such new or altered Division shall thenceforward be, and be reputed and taken to be, for all Purposes, and in the Construction of all Statutes now in force or hereafter to be made, and containing no special Provision to the contrary, a lawful Division for the holding of Special Sessions; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby thenceforward required to give their Attendance to and upon such Justices of the Peace at any Time assembled in such Special Sessions, within the same Division, as fully and effectually as by Law they had been bound to do within any Division

Division reputed or taken before the passing of this Act to be a lawful and accustomed Division of Justices for the Purposes aforesaid.

Justices at Sessions to cause Enquiry into the Extent of Divisions, and alter the same, and affix Names thereto.

VII. Provided always, and be it further enacted, That at the Quarter Sessions next after the laying of any such Statement before the Justices in such Sessions assembled, it shall and may be lawful for such Justices, if they shall deem it expedient and proper, not to proceed to the single Consideration of such Statement, but instead thereof to cause to be made an Enquiry and Examination into the Boundary Lines, Extent, and other local Circumstances of all the existing and accustomed Divisions for the holding of Special Sessions within the Commission of such Justices; and at such or any succeeding Quarter Sessions, to which the Conclusion of such Enquiry and Examination may from Time to Time be adjourned, by Order of Sessions, to regulate, alter, new model, and subdivide all or any of such Divisions, in such Manner as shall appear to them proper and convenient, particularly specifying in such Order the Names of all such Divisions, whether newly constituted, altered, or unaltered, the several Parishes, Tithings, Townships, and Places to be comprised in each, and affixing or continuing to each the Name of some principal and convenient Parish, Township, or Place within the same.

Clerk of the Peace to publish a Copy of such Order.

VIII. And be it further enacted, That the Clerk of the Peace for any County, Riding, or Division in which such Order shall have been made as last aforesaid, shall forthwith publish a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also forthwith transmit, by the Post, a Copy of the same to the Churchwardens and Overseers of the Poor of each Parish within the said County, Riding, or Division, to be by them affixed on the principal Door of the Church of such Parish; and at the Foot of every such Copy so published or transmitted shall add a Notice specifying at what Time such Order will be enrolled as herein-after provided, and at what Time and in what Manner any Person or Persons, or Body Corporate, aggrieved by such Order, may petition against the same, or any Part thereof, as herein-after provided.

Order to specify a Time when it shall be enrolled.

Parties allowed to petition against such Order.

IX. And be it further enacted, That in every such Order, some Time, not earlier than the Fourth Quarter Sessions next after the making thereof, shall be provisionally specified, on which the same shall be enrolled as herein-after provided, subject to such Alteration as may thereafter be made either in the Particulars of the said Order, or in the Time of its Enrolment; and that at any Court of Quarter Sessions preceding such Time, it shall and may be lawful for any One or more Person or Persons, or Body Corporate, jointly or severally, to present a Petition in Writing to such Court, against all or any Part of such Order, and to produce Witnesses in support of such Petition; and the Justices at such Court assembled shall and they are hereby required to hear and determine, in a summary Way, the Merits of such Petition, and to amend such Order so far as may, upon such Hearing, appear proper and convenient: Provided always, that no such Petition shall be received or examined into, unless after due Proof that a Notice in Writing, specifying the Grounds thereof, which upon the Hearing shall alone be enquired into, hath been served,

served, Ten clear Days before the Commencement of such Sessions, upon One of the Overseers of the Poor, or the Tithingman or Constable, or Two substantial Housekeepers of the Parish, Tithing, Township, or Place respectively, as the Case may be, wherein such Petitioner or Petitioners shall be resident at the Time of presenting such Petition, and also lodged, Twenty clear Days before such Commencement, at the Office of the Clerk of the Peace, who shall and he is hereby required forthwith to transmit a Copy thereof to each of the Justices usually acting within or for the District or Places or Place named in such Notice.

Order to be enrolled as soon as Petitions against the same have been determined, and shall not be subject to Alteration for 10 Years.

X. And be it further enacted, That so soon as all such Petitions against such Order shall have been determined, and such Amendments made therein as shall have appeared necessary or proper, the Justices at such Quarter Sessions shall cause to be inserted therein some Day not earlier than One Month after such Sessions from which the same shall take effect, and shall cause the same Order to be enrolled, and the same shall remain an Order of Sessions, controlling any Order or Orders of Sessions heretofore made for the separate Constitution of any new Divisions, or the partial Alteration of any accustomed Divisions, under the former Provisions of this Act, and not subject itself to Revocation or Alteration of any kind for the Space of Ten Years thence next ensuing; and during such Ten Years no such Statement shall be received or Proceedings had thereon as above-mentioned, but during all that Time, and until further Order of Sessions after the Expiration of that Time, the several Divisions, as limited, modelled, or constituted in and by such Order, shall be and be taken to be, for all the Purposes in this Act mentioned, the lawful Divisions of such County, Riding, or Division, having such separate Commission of the Peace, for the Meetings of Justices in Special Sessions, under any Statute now in force, or hereafter to be made, and containing no special Provision to the contrary; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby required thenceforward, during the Time last above limited, to give their Attendance to and upon the Justices of the Peace at any Time assembled in such Special Sessions, within the same Divisions respectively, as fully and effectually as by Law they have been bound to do within any Division reputed and taken before the passing of this Act to be a lawful and accustomed Division for the Meetings of Justices for any of the Purposes aforesaid.

Clerk of Peace to publish Copy of Enrolment.

XI. And be it further enacted, That immediately after the Enrolment of such Order, the Clerk of the Peace shall and he is hereby required to cause to be published a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also transmit One Copy thereof to each Justice of the Peace dwelling within or usually acting within and for such County, Riding, or Division, having such separate Commission of the Peace.

Proceedings not to be quashed for Want of Form.

XII. And be it further enacted, That no Order to be made, nor any Proceeding to be had or taken, in pursuance of this Act, shall be quashed

quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Not to extend to Middlesex, &c.

XIII. And be it further enacted, That nothing in this Act contained shall extend or be construed or taken to extend to the County of *Middlesex* in *England*, or to *Scotland* or *Ireland*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XLIV.

An Act to provide for the Execution, throughout the United Kingdom, of the several Laws of Excise relating to Licences and Survey on Tea, Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, notwithstanding the Transfer to the Customs of the Import Duties on any of such Commodities. [15th *July* 1828.]

WHEREAS the Duties of Excise payable in *Great Britain* and *Ireland* respectively, at and immediately before the Commencement of the Year One thousand eight hundred and twenty-five, upon the Importation into *Great Britain* and *Ireland* respectively of Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, have been repealed, and in lieu thereof Duties of Customs have been granted and made payable on the Importation of such Commodities respectively into any Part of the United Kingdom: And whereas Dealers in and Sellers of Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, and Manufacturers of Tobacco and Snuff, were subject, under several Acts relating to the Revenue of Excise in force previous to the granting of the said Duties of Customs, and previous to the Year One thousand eight hundred and twenty-five, to the Payment of Duties of Excise upon Licences, and to the Survey of Officers of Excise, and to Regulations relating to such Survey, and to the respective Stocks of such Commodities in the Possession of such Traders, and to the granting of Permits for the Removal of such

Commodities respectively, under and according to the several Provisions and Regulations, Penalties and Forfeitures contained in the said several Acts relating thereto respectively: And whereas Doubts have arisen how far such Regulations, or the Jurisdiction and Management, Powers or Authorities of the Commissioners and Officers of Excise in the Matters aforesaid, are or may be applicable or remain in force; be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Acts relating to the Revenue of Excise in force at and immediately before the Year One thousand eight hundred and twenty-five, with respect to Dealers in and Sellers of Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, and Manufacturers of Tobacco and Snuff respectively, and with respect to the taking and keeping Account of and Survey of all Stocks of such Commodities respectively in the Possession of such Traders respectively, and to the Manufacture of Tobacco and Snuff, and with respect to the granting of Permits for the Removal of such Commodities as aforesaid respectively, have remained and continued, and are and shall be and remain and continue in full force and virtue, as Laws relating to the Revenue of Excise, (save and except so far as any of such Act or Acts, or any Part or Parts thereof, may have been repealed or altered by any subsequent Act relating to the Excise passed for that Purpose,) and the said Acts shall and may be executed and carried into Effect in all Particulars (save and except as to the landing and shipment of the said Commodities respectively, and the Collection and Payment of the Duties of Customs on the said respective Commodities, and the lodging of such Commodities in Warehouses without Payment of Duty,) by the said Commissioners of Excise and their Officers; and that all and singular the Powers and Authorities, Rules, Regulations, Provisions, and Directions (except as aforesaid), in anywise relating to the Licences to be taken out by the Dealers in and Sellers of such Commodities respectively, and to the Survey by the Excise Officers of such Dealers and Sellers, and of their respective Stocks of such Commodities respectively, and to the granting of all Permits (except as herein-after mentioned) for the Removal of such Commodities respectively, contained in any Act or Acts relating to the said Commodities respectively, and the Jurisdiction and Management thereof by the Commissioners and Officers of Excise, shall and may be possessed, used, executed, exercised, and put in force by the said Commissioners of Excise and their Officers, to all Intents and Purposes whatsoever (save and except as aforesaid); any thing in any Act or Acts relating to the Duties or Revenue of Customs to the contrary in anywise notwithstanding.

Excise Laws in force before 1825, relating to Dealers in and Manufacturers of certain exciseable Articles, shall continue in force notwithstanding any thing in any Acts relating to the Customs.

II. And be it further enacted, That all Penalties and Forfeitures imposed by any Act or Acts relating to the Revenue of Customs or Excise respectively, which by Law the Officers of Excise are authorized to prosecute, and which the Commissioners of Excise shall order to be prosecuted, shall and may be so prosecuted, sued for, recovered, levied, mitigated, and applied, and in and by such Ways, Means, and Methods, and in, under, and before such Jurisdiction respectively,

All Penalties and Forfeitures prosecuted by Order of Commissioners of Excise shall be prosecuted

respectively, as Penalties and Forfeitures incurred or forfeited by reason of Offences committed against any Law or Laws of Excise are or may be sued for, recovered, levied, mitigated, and applied by an Act passed in the last Session of Parliament, for consolidating and amending the Laws relating to the Collection and Management of the Revenue of Excise throughout *Great Britain* and *Ireland*; any thing in any other Act or Acts to the contrary thereof in anywise notwithstanding.

and recovered according to 8 G. 4. c. 53.

III. And be it enacted, That it shall not be lawful to send, remove, or convey any Tea from *Great Britain* to *Ireland*, nor to deliver any Tea out of any Warehouse in *Great Britain* for the Purpose of being sent, removed, or conveyed to *Ireland*, until the full Duty of Excise on such Tea shall have been paid and satisfied; any thing in an Act made in the Sixth Year of His present Majesty's Reign, intituled *An Act for the warehousing of Goods*, or in an Act made in the Seventh Year of His present Majesty's Reign, intituled *An Act to alter and amend the several Laws relating to the Customs*, or in any other Act or Acts in force immediately before the passing of this Act, to the contrary in anywise notwithstanding.

Tea shall not be sent to Ireland without Payment of Duty.

6 G. 4. c. 112.

7 G. 4. c. 48.

IV. And be it further enacted, That all and every Act and Acts now in force, or hereby declared to be in force as aforesaid, in *England*, relating to the Revenue of Excise on Tea, and relating to Coffee, Cocoa, Pepper, Foreign and Colonial Spirits and Wine, shall be established, observed, executed, and put in force in and throughout the United Kingdom of *Great Britain* and *Ireland*, in the same Manner, to all Intents and Purposes whatsoever, as heretofore in *England*; any thing in any Act or Acts to the contrary thereof in anywise notwithstanding.

Excise Laws of Great Britain relating to Tea, Coffee, Cocoa, Pepper, &c. extended to the United Kingdom.

V. And whereas by reason of the Reduction of the Duties of Importation formerly payable on Coffee and Cocoa, it has become unnecessary to subject the same any longer to Permits; be it therefore enacted, That so much of any Act or Acts as relates to the requiring of Permits for the Removal of Coffee or Cocoa shall be and so much of any such Act or Acts as aforesaid is hereby repealed.

Coffee not to be subject to Permits.

VI. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be amended in the present Session.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XLV.

An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation, in *Scotland*; and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only.

[15th *July* 1828.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to grant certain Duties in* Scotland *upon Wash and Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills, and to regulate the Distillation of such Spirits for Home Consumption, and for better preventing private Distillation in* Scotland, *until the Tenth Day of* November *One thousand eight hundred and twenty-four*: And whereas by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in* Scotland *and* Ireland, *and upon Licences of Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty*, so much of the said herein-

3 G. 4. c. 52.

4 G. 4. c. 94.

 before

before recited Act of the Third Year of His present Majesty's Reign, and of several other Acts recited in the last-mentioned Act, as related, amongst other Things, to the making or distilling of Spirits in *Scotland* and *Ireland*, was repealed; but the several Clauses, Rules, Regulations, or Provisions, Fines, Penalties, or Forfeitures, in the said Acts contained, relating to the rectifying and compounding of Spirits, or to the Rectifiers or Compounders thereof, in *Scotland* or *Ireland*, or relating to Dealers in or Retailers of Spirits, were left unrepealed: And whereas an Act was passed in the Sixth Year of the
6 G. 4. c. 80. His present Majesty, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits, without Payment of Duty, for Exportation*: And whereas by another Act passed in the Sixth Year of the
6 G. 4. c. 81. Reign of His present Majesty, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, all the several Duties then payable on Excise Licences were thereby repealed, and other Duties were thereon imposed in lieu thereof: And whereas so much of the said first-recited Act of the Third Year of His said Majesty as was not repealed as aforesaid has, by Two Acts passed in the Fifth and Seventh Years of His Majesty, been further continued and remains in force until the Fifth Day of *July* One thousand eight hundred and twenty-eight: And whereas it is expedient that so much of the first-recited Act of the Sixth Year aforesaid, and the several Regulations, Provisions, Penalties, and Forfeitures therein contained, as respect or relate to the Rectification and compounding of Spirits, and to the Rectifiers and Compounders of and Dealers in and Retailers of Spirits, should be extended to *Scotland* and *Ireland*, and to establish the same in and throughout the United Kingdom; and that the herein-before recited Act of the Third Year aforesaid, so far as the same remains in force, should be continued for a limited Time; and that so much of the several Enactments and Provisions of the said Act of the said Third Year as relate to the Prevention of private Distillation in *Scotland* should be made perpetual; and that so much of the said several Enactments and Provisions of the said Act as relate to the Rectification and compounding of Spirits, and to the Rectifiers and Compounders of Spirits, as are herein-after mentioned, should also be made perpetual, and should be extended to the whole of the United Kingdom: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and twenty-eight, so much and such Part of the said herein-before recited Act of the Sixth Year aforesaid, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the*

After 10th Oct. 1828, so much of recited Act 6 G. 4. c. 80. as relates to Rectifiers and Dealers, &c. in Spirits, extended to Scotland and Ireland.

warehousing of such Spirits, without Payment of Duty, of Exportation, and of the several Enactments, Regulations, Provisions, Penalties, and Forfeitures in the said Act contained, as are in force in respect of or in relation to the Rectification and compounding of Spirits, and to the Rectifiers and Compounders of, and to the Dealers in and Retailers of Spirits, except as to the Amount of Licence Duties payable by such Traders respectively, shall extend and be applied to, and shall be established, observed, executed, and put in force in and throughout *Scotland* and *Ireland* respectively, and in and throughout the United Kingdom of *Great Britain* and *Ireland*, in such and the like Manner to all Intents and Purposes as if the said recited Act had in such respects been originally extended to the whole of the United Kingdom; any thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

So much of 3 G. 4. c. 52. as is in force continued until 10th Oct. 1828, after that Day the Regulations respecting private Distillation in Scotland made perpetual; and so much as relates to Rectifiers, &c. as is not repugnant to 6 G. 4. c. 80. made perpetual, and extended throughout the United Kingdom.

II. And be it further enacted, That so much of the herein-before recited Act of the Third Year of His Majesty as shall be in force at the Time of the passing of this Act shall be and the same is hereby continued and shall be and remain in full Force until the Tenth Day of *October* One thousand eight hundred and twenty-eight; and that from and after the said Tenth Day of *October* One thousand eight hundred and twenty-eight, so much of the said Act of the said Third Year, and the several Regulations, Provisions, Penalties, and Forfeitures therein contained, as relate to the Prevention of private Distillation in *Scotland*, shall be and the same is and are hereby made perpetual; and that so much of the said Act as shall be in force as aforesaid, relating to the rectifying and compounding, and to the Rectifiers and Compounders of Spirits, not inconsistent with or repugnant to any of the Provisions of the said first-recited Act of the Sixth Year aforesaid, shall be and the same is and are hereby made perpetual, and shall be and the same are hereby extended and applied to, and shall be established, observed, executed, and put in force in and throughout *England* and *Ireland*, and in and throughout the United Kingdom of *Great Britain* and *Ireland*, in the same Manner to all Intents and Purposes as if the said Act of the said Third Year had in such respects been originally extended to the whole of the United Kingdom; any thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

After 10th Oct. 1828, so much of former Acts relating to Rectifiers and Dealers, &c. in Scotland and Ireland, as are expressly provided for by 6 G. 4. c. 81. and 3 G. 4. c. 52. repealed.

III. And be it further enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and twenty-eight, so much and such Parts only of any Act or Acts in force in *Scotland* and *Ireland* respectively, as relate to the Rectification or compounding of Spirits, and to the Rectifiers and Compounders of and Dealers in and Retailers of Spirits, and to the several Matters and Things expressly provided for by the said Acts of the Sixth Year and Third Year aforesaid, hereby extended to and established in and throughout the United Kingdom as aforesaid, and as are inconsistent with or repugnant thereto, but not otherwise, shall be and are hereby repealed, save and except so far as the said Acts or any of them repeal or repeals any former Act, or any Part or Parts of any former Act, and except also so far as the said Acts or any of them relate or relates to the charging, recovering, suing for, levying, paying, accounting

accounting for, allowing, or mitigating of any Duty, or any Arrear or Part thereof, or of any Penalty or Forfeiture for any Offence against the said Acts repealed, or any of them, which shall have been or shall be committed on or before the said Tenth Day of *October* aforesaid, all which Suits or other Proceedings, Matters, or Things, shall or may be had or proceeded on, and shall remain and be to all Intents and Purposes whatsoever, as if the said Acts had not been repealed in manner aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend in any Manner to alter or affect an Act passed in the last Session of Parliament, for consolidating and amending the Laws relating to the Collection and Management of the Revenue of Excise throughout *Great Britain* and *Ireland*.

Not to alter or affect 7 & 8 G. 4. c. 53.

Duty on Malt to be paid within Fourteen Days after Entry made.

IV. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in* Ireland, *and to the Allowance in respect of the Malt Duty on Spirits made in* Scotland *and* Ireland *from Malt only*, it is enacted, that every Maltster or Maker of Malt shall, within the Space of Fourteen Days next after he or she shall have or ought to have made such Entry as in the said recited Act is mentioned, pay and clear off all the Duties which shall have been charged upon and which shall remain unpaid by such Maltster or Maker of Malt, for or in respect of any Malt by him or her made, unless such Maltster or Maker of Malt shall have given Bond as in the said recited Act is mentioned: And whereas it is expedient to amend the said Act as herein-after mentioned; be it enacted, That from and after the passing of this Act all Duty charged upon or in respect of any Malt which shall be made to be used and consumed only by Distillers or Makers of Low Wines or Spirits, in *Scotland* or *Ireland*, in distilling Low Wines or Spirits made from Malt only, shall be paid and cleared off by the Maltster or Maker of such Malt within the Space of Fourteen Days next after such Maltster or Maker of Malt shall have or ought to have made such Entry as in the said recited Act is mentioned, whether any Bond or Security for the Payment of such Duties by such Maltster or Maker of Malt shall or shall not have been given, pursuant to the said recited Act, on pain that every such Maltster or Maker of Malt shall forfeit double the Amount or Sum of such Duties so neglected or refused to be paid within the said Space of Fourteen Days; any thing in the said recited Act to the contrary in anywise notwithstanding.

Act may be altered this Session.

V. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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C A P. XLVI.

An Act to enable certain Hotel Keepers to be licensed to keep Hotels as common Inns, Alehouses, and Victualling Houses, and to sell therein Beer and other exciseable Liquors, for the Residue of the present Year.

[15th *July* 1828.]

WHEREAS by an Act passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Prevention of selling Ale and other Liquors by Persons not duly licensed,* it is enacted, that from and after the Twentieth Day of *September* One thousand seven hundred and ninety-five, if any Person shall sell Ale or Beer, or any other exciseable Liquors, by Retail, or shall permit or suffer any Ale or Beer, or any other exciseable Liquors, to be sold by Retail in his, her, or their House, Outhouse, or Yard, Garden, Orchard, or other Place, in that Part of *Great Britain* called *England*, the Dominion of *Wales*, and Town of *Berwick-upon-Tweed*, without being duly licensed so to do, and shall thereof be duly convicted, every such Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and also the Costs and Expences attending the Conviction, to be levied and recovered as therein is directed; and on and after a Second Conviction for the like Offence, shall also be rendered incapable of being thereafter licensed to keep an Alehouse, 35 G.3. c.113. s.1.

or

or to sell Ale or Beer, or other exciseable Liquors, by Retail; and several Provisions are also contained in the said Act for the Recovery and Appropriation of the said Penalty: And whereas certain Persons, being the Keepers of Hotels for the temporary Residence of Guests, and not being licensed to keep a common Inn, Alehouse, or Victualling House, have, by supplying such Guests with Beer, or other exciseable Liquors, for their daily Consumption, inadvertently incurred the aforesaid Penalty and Disability; for Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every such Person, so being the Keeper of any Hotel for the temporary Residence of Guests, who at any Time before the passing of this Act, by selling to and supplying any Guests in such Hotel with any Beer or other exciseable Liquor, without being licensed to keep a common Inn, Alehouse, or Victualling House, shall have thereby incurred the Penalty and Disability aforesaid, shall, on taking out such Licences as herein-after mentioned, be altogether freed, acquitted, and discharged of and from every such Penalty and Disability, and all Proceedings for the Recovery thereof shall be null and void; the said recited Act or any other Act or Acts to the contrary thereof notwithstanding.

Keepers of Hotels, who without Licence have sold exciseable Liquors to their Guests before the passing of this Act, discharged from the Penalty.

II. And whereas the Days and Times appointed by Law for Justices to grant Licences to keep common Inns, Alehouses, or Victualling Houses, for the present Year, are now past, and it is expedient to make special Provision for granting such Licences to the Keepers of such Hotels as aforesaid for the Residue of the present Year; be it therefore enacted, That it shall be lawful for any Two or more Justices of the Peace or Magistrates, if they shall so think fit, of any County, City, Borough, Town, or Place in *Great Britain*, to grant their Authority or Licence to any Person keeping and using and who shall have kept and used any such Hotel as aforesaid, at and from the First Day of *January* One thousand eight hundred and twenty-eight, or at any Time between that Day and the passing of this Act, to keep such Hotel as a common Inn, Alehouse, or Victualling House for the Remainder of the present Year for granting such Licences, and until the Time when the General Licences for that Purpose are according to Law in due Course renewable; provided the Hotel in respect of which such Authority or Licence as herein mentioned shall be applied for shall have been kept and used as such Hotel, either by the Person or Persons who at the Time of applying for such Authority or Licence shall so keep and use the same, or by his, her, or their Predecessor or Predecessors therein, on and continually from the First Day of *January* One thousand eight hundred and twenty-eight until the passing of this Act; and it shall be lawful for the Commissioners and Assistant Commissioners, Collectors, and Supervisors of Excise to grant to every such Person, so authorized and licensed by any Two Justices as aforesaid, a Licence or Licences to sell Beer by Retail, or Cider or Perry, or other exciseable Liquors, to be drunk or consumed in the Hotel for which such Licence or Authority shall have been granted, in the same Manner as if such Hotel had been

Two Justices may grant a Licence to keep such Hotel as a common Inn, Alehouse, or Victualling House for the Residue of the present Year.

licensed by the Justices for that Purpose under and according to the Acts of Parliament in force at and immediately before the passing of this Act; any thing in the said Acts, or any of them, to the contrary thereof notwithstanding: Provided always, that every Person to whom such Authority or Licence shall be so granted by Two Justices as aforesaid, shall in all other respects whatsoever be subject and liable to the Rules and Regulations, Penalties and Forfeitures, and shall do and perform all Things whatsoever, which the Persons licensed or applying to be licensed by the Justices to keep a common Inn, Alehouse, or Victualling House shall by any such Act or Acts as aforesaid be required to do, or to which such Persons are made subject.

Act may be amended this Session.

III. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS

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CAP. XLVII.

An Act for regulating the Retail of exciseable Articles and Commodities to Passengers on board of Passage Vessels from one Part to another of the United Kingdom.

[15th *July* 1828.]

WHEREAS many Packets, Boats, and other Vessels are employed for the Carriage and Conveyance of Passengers from one Part of the United Kingdom to another Part thereof, and it would greatly tend to the Convenience and Accommodation of such Passengers, if the Master or Commander or other Person of or belonging to such Vessels were by Law authorized to provide for and to retail and sell to such Passengers Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, and Tobacco, to be consumed by such Passengers in and on board of such Vessels during the Voyage: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight it shall be lawful for the Commissioners of Excise in *England*, and for the Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* and *Ireland* respectively, at any Time to grant a Licence to any Master or Commander of any Packet, Boat,

Commander, &c. of Vessels and Packets carrying Passengers from one Part of the United Kingdom to another, may be licensed by the Commissioners of

Excise to retail Wine, Beer, Tobacco, &c. on board such Vessels.

Boat, or other Vessel employed for the Carriage and Conveyance of Passengers from one Part of the United Kingdom to another or other Parts thereof, or to any other Person belonging to any such Packet, Boat, or Vessel, who shall be nominated and approved of by the Owner or Owners, or Director or Directors thereof, residing in *England*, *Scotland*, or *Ireland* respectively, such Nomination and Approval being signified by their writing and subscribing a Certificate or Declaration, to be delivered by them to the Commissioners or Assistant Commissioners of Excise of that Part of the United Kingdom in which the Owner or Owners, Director or Directors, reside, or to such Person as such Commissioners in *England*, or such Commissioner or Commissioners and Assistant Commissioners in *Scotland* and *Ireland* respectively, shall respectively appoint for that Purpose, to provide for and to supply, retail, and sell to the Passengers on board such Vessel, to be consumed by them in and on board thereof during the Voyage on which such Passengers shall be then carried and conveyed, Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, and Tobacco; and that such Licence shall continue in force until the Fifth Day of *July* next ensuing the Date thereof; and such Licence shall be transferrable, by an Indorsement thereon of such Transfer, subscribed by the Person to whom and in whose Name the same shall have been granted, his Executors or Administrators, or by any Assignee thereof, his Executors or Administrators, to any other Master or Commander or any other Person of or belonging to the said Vessel, or in case of the Loss or breaking up of any such Vessel before the Expiration of any such Licence, to the Master, Commander, or any other Person of or belonging to any other Vessel of the same Owner or Owners, or Company or Companies, substituted in lieu of the said Vessel in respect of which such Licence was granted, and nominated and approved of by the Owner or Owners of such Vessels, or the Director or Directors of such Company or Companies, such Nomination, Approval, and Transfer being signified by the Subscription of such Owner or Owners as aforesaid, or their Executors, Administrators, or Assigns, or of such Director or Directors, to such Indorsement; and that every such Licence shall from Year to Year be renewed before the Expiration of the Licence granted for the preceding Year, and shall fully authorize and empower the Person therein named, or his Assignee, to supply, retail, and sell Foreign Wine, Beer, Cyder, Perry, Spirituous Liquors, and Tobacco, or any of them, to be consumed in and on board of such Vessel by the Passengers thereof, during any Voyage on which such Passengers shall be carried and conveyed while such Licence shall continue in force; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary notwithstanding.

Licences to be transferrable;

and to be renewed yearly.

Duty on Licence.

II. And be it further enacted, That at the Time of granting such Licence as aforesaid the Owner or Owners, or Director or Directors of such Packet, Boat, or other Vessel in respect of which such Licence is applied for as aforesaid, shall pay or cause to be paid to the Commissioners of Excise in *England*, or Commissioner or Commissioners and Assistant Commissioners of Excise in *Scotland* or *Ireland*, to whom such Application shall be made, according to the Residence of such Owner or Owners, or Director or Directors as

aforesaid, or to the Collector of Excise or other Person appointed as aforesaid to grant the same, a Duty of One Pound.

Penalty for selling Wines, &c. without a Licence, 10*l.*

III. And be it further enacted, That if any Person shall retail or sell, on board any Packet, Boat, or other Vessel employed for the Carriage or Conveyance of Passengers from one Part of the United Kingdom to another Part thereof, any Foreign Wine, Strong Beer, Cyder, Perry, Spirituous Liquors, or Tobacco, without having taken out such Licence as is by this Act required, every such Person shall for every such Offence incur and be liable to a Penalty of Ten Pounds.

Duties to be under the Excise.

IV. And be it further enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Excise.

Monies arising by Duties to be carried to the Consolidated Fund.

V. And be it further enacted, That all the Monies arising by the Duties by this Act imposed (the Charges for raising and accounting for the same excepted) shall from Time to Time be paid and carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in like Manner with other Duties of Excise arising from Licences.

Not to affect any Regulations or Penalties respecting Smuggling.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any Regulation, Penalty, or Forfeiture contained in or imposed by any Law or Laws in force at the Time of passing this Act, for or in respect of any Person carrying, removing, hiding, concealing, or landing any Spirits, or any other Goods or Commodities, on which the Duties of Excise chargeable and payable thereon have not been fully paid, or for or in respect of any Vessel used or employed for that Purpose; but that all such Regulations, Penalties, and Forfeitures shall remain in full force and virtue, this Act, or any Licence granted by Authority thereof, in anywise notwithstanding.

This Act may be amended this Session.

VII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XLVIII.

An Act to repeal the Excise Duties and Drawbacks on Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, payable in *Great Britain* and *Ireland* respectively, and to impose other Duties and to grant other Drawbacks in lieu thereof, throughout the United Kingdom; and to make perpetual, and to extend to the United Kingdom, several Acts relating to certain Duties on Glass. [15th *July* 1828.]

WHEREAS it is expedient that equal Duties of Excise should be imposed and made payable in and throughout the United Kingdom of *Great Britain* and *Ireland*, upon Plate Glass, Broad Glass, Crown Glass, and Bottle Glass, and on the Materials, Metal, or other Preparations whatsoever used in making such Glass respectively; and that the Manufacture of the said Articles respectively, and the levying and collecting of the said Duties, and the making and paying of all Allowances and Drawbacks in respect thereof, should be conducted and carried on, in every Part of the United Kingdom, under and subject to the same Laws, Regulations, and Provisions: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

From 5th July 1828, existing Excise Duties and Countervailing Duties and Drawbacks in Great Britain and Ireland respectively, on Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and GlassBottles, repealed; except as to Arrears.

ment assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight, the several Duties of Excise payable, in *Great Britain*, upon or in respect of Plate Glass, Broad Glass, Crown Glass, and Bottle Glass, and on the Materials, Metal, or other Preparations whatever, used in making such Glass respectively, and the Duty on Glass Bottles made in *Ireland*, and the several Countervailing Duties on any such Glass or Glass Bottles made in *Ireland*, and imported into *Great Britain*, and the several Drawbacks payable in *Great Britain* or *Ireland* respectively on the Exportation of any such Glass or Bottles, under any Act or Acts in force in *Great Britain* and *Ireland* respectively immediately before the passing of this Act, shall cease and determine, and shall be no longer paid and payable, and shall be and the same are hereby repealed; except so far as relates to any Arrears of any Duties chargeable on any such Glass or Bottles, in *Great Britain* or *Ireland*, at any Time on or before the said Fifth Day of *July* One thousand eight hundred and twenty-eight; and except so far as relates to any Drawbacks which may be or become payable, in respect of the said Duties, on the Exportation of any such Glass or Bottles; and except so far as relates to the Countervailing Duties on any such Glass or Bottles which shall have been made in *Ireland* at any Time on or before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, and which shall be sent from *Ireland* into *Great Britain* at any Time after the said Day.

From 5th July 1828, the Duties and Drawbacks specified in the Schedule shall be levied and allowed.

II. And be it further enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, the several Duties, and there shall be allowed and paid the several Drawbacks, specified and set forth in the Schedule or Table to this Act annexed; and the said Schedule shall be taken as Part of this Act.

Duties and Drawbacks shall be levied and allowed as former Duties and Drawbacks in Great Britain, and the Goods shall be liable to the same Regulations as the like Articles are subject to.

III. And be it further enacted, That the Duties and Drawbacks by this Act imposed and granted and made payable shall be respectively raised, levied, collected, paid, recovered, adjudged, mitigated, and allowed, throughout the United Kingdom of *Great Britain* and *Ireland*, in such and the like Manner, and in and by any or either of the general or special Means, Ways, or Methods, by which the former Duties and Drawbacks of Excise respectively hereby repealed were or might have been raised, levied, collected, paid, recovered, adjudged, mitigated, or allowed in *Great Britain*; except so far as such general or special Means, Ways, or Methods were amended or altered or repealed by an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland; and the Goods, Wares, Merchandize, or Commodities so by this Act respectively made liable to the Payment of or chargeable with the Duties or entitled to the Drawbacks of Excise granted and made payable by this Act, shall be and the same are hereby made subject to all and every the Conditions, Regulations, Restrictions, and Forfeitures to which Goods, Wares, Merchandize, or Commodities in general are subject, and also to all

and every the special Conditions, Regulations, Restrictions, and Forfeitures respectively to which the like Goods, Wares, Merchandize, or Commodities were subject and liable by any Act or Acts of Parliament in force on or immediately before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, relating to the Duties and Drawbacks of Excise in *Great Britain*; and all and every the Penalties and Forfeitures, of any Nature or Kind whatsoever, for any Offence whatever committed against or in breach of any Act or Acts of Parliament in force on or immediately before the said Fifth Day of *July* One thousand eight hundred and twenty-eight, made for securing the Revenue of Excise in *Great Britain* or *Ireland*, or for the Regulation and Improvement thereof, and all and every the several Clauses, Powers, and Directions therein contained, in force immediately before the passing of this Act, shall and are hereby declared to extend to, and shall be respectively applied, practised, and put in execution in and throughout the United Kingdom, for and in respect of the Duties and Drawbacks of Excise by this Act granted and made payable, in as full and ample a Manner, to all Intents and Purposes whatsoever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Penalties, and Forfeitures were particularly repeated and re-enacted in the Body of this Act.

Regulations of former Acts in force in Great Britain for the Collection of the Duties extended to the United Kingdom.

IV. And be it further enacted, That all the Powers, Authorities, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Methods, Matters, and Things which in and by any Act or Acts in force in *Great Britain* immediately before the passing of this Act, relating to the Duties on Plate Glass, Broad Glass, Crown Glass, and Bottle Glass respectively, or on the Materials or other Preparations whatever used in making such Glass respectively, or to the paying or allowing of any Drawback on the Exportation of Plate Glass, Broad Glass, Crown Glass, Bottle Glass, and Glass Bottles, or any of them, are contained, provided, settled, or established for managing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing Duties, or for paying or allowing Drawbacks of the Duties, on such Glass, and for preventing, detecting, and punishing Frauds relating thereto, shall be and continue in full Force and Effect, and shall be observed, practised, applied, used, and put in execution in and throughout the whole of the United Kingdom of *Great Britain* and *Ireland*, with respect to the Duties and Drawbacks granted and made payable by this Act, as fully and effectually, to all Intents and Purposes, as if the said Powers, Authorities, Directions, Regulations, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things were expressly inserted and re-enacted in this present Act.

The Act 49 G. 3. c. 63. as amended by 51 G. 3. c. 69., and that Act as amended by 6 G. 4. c. 117. made perpetual, and

V. And whereas an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the Duties on the Materials used in making Spread Window Glass and Crown Glass, and for granting other Duties in lieu thereof, and for the better Collection of the said Duties:* And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, for repealing the Duty on the Materials used in making Flint and Phial Glass, and for granting other Duties in lieu thereof, and

extended to the United Kingdom.

and for continuing and amending the said recited Act of the Forty-ninth Year aforesaid; and the said several Acts are in force until the Tenth Day of *October* One thousand eight hundred and thirty: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, for repealing the Excise Duties and Drawbacks on Flint Glass in *Great Britain*, and imposing other Duties and another Drawback in lieu thereof, throughout the United Kingdom: Be it enacted, That the said recited Act of the Forty-ninth Year of His said late Majesty, as altered by the said recited Act of the Fifty-first Year, and the said Act of the Fifty-first Year, except so far as it s altered or repealed by the said Act of the Sixth Year of His present Majesty, shall be and the said several Acts are hereby made perpetual, and shall extend to and be applied and put in execution in and throughout the whole of the United Kingdom of *Great Britain* and *Ireland*.

6 G. 4. c. 117.

The Act 38 G. 3. c. 24. (I.) and other Acts relating to Glass Bottles in Ireland, repealed.

VI. And be it further enacted, That so much of an Act passed in the Parliament of *Ireland* in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, amongst other Things, for securing the Collection of the Duties on Glass Bottles made in *Ireland*, and which said Act was made perpetual by an Act passed in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of His said late Majesty; and also so much of an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, for making Provision for the issuing of Licences to Persons dealing in or manufacturing certain exciseable Commodities in *Ireland*, as relates to the Duties on Glass Bottles, or to the Makers of Glass Bottles, in *Ireland*; and also so much and such Part of any other Act or Acts in force in *Ireland*, as relates to the said Duties or to the Makers of Glass Bottles in *Ireland*; from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight, shall be and the same are hereby repealed, save and except as to the Recovery of any Duty, Penalty, or Forfeiture upon or before that Day incurred.

Plate Glass, Broad Glass, and Crown Glass, exported from Ireland to Foreign Parts on Drawback, or brought from Ireland into Great Britain, shall be accompanied with Certificate of the Payment of the Duty under this Act.

VII. And whereas no Excise Duty upon Plate Glass, Broad Glass, and Crown Glass has been payable in *Ireland*, under any Act in force immediately before the passing of this Act; but a Drawback has been payable in *Great Britain* upon Plate Glass, Broad Glass, and Crown Glass made in *Great Britain* and sent to *Ireland*; for the preventing therefore of any Evasion of Payment of the Duty on any such Glass sent to *Great Britain*, or any undue Claim of Drawback in respect of any such Glass exported from *Ireland* to Foreign Parts, on which Duty shall not have been paid, be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, every Person shipping or intending to ship, or being about to ship, in *Ireland*, any Plate Glass, Broad Glass, or Crown Glass, for Exportation on Drawback, or for the Removal thereof to *Great Britain*, shall give Twenty-four Hours Notice of such Intention, and of the Place of shipping, to the nearest Collector or Officer of Excise; and such Collector and Officer respectively is and are hereby authorized and required thereupon to attend, and to cause all such Plate Glass, Broad Glass, and Crown Glass respectively, to be weighed and measured; and in case such Plate Glass, Broad Glass, or Crown Glass has not been charged with the respective Duties

Duties under the Provisions of this Act, and is about to be removed to *Great Britain*, it shall be lawful for such Collector or Officer, and he is hereby authorized and required, to charge all such Glass with Duty at and after the respective Rates of Duty made payable by this Act on such Sort or Kind of Glass respectively; and upon Payment of such Duty it shall be lawful for such Collector or Officer, and he is hereby required, to grant a Certificate of the Payment of such Duty, to accompany such Glass upon such Removal, and to be produced at the Port of Entry in *Great Britain*; and in case any such Glass which shall have been duly charged with the respective Duties payable by this Act shall be entered for Exportation to Foreign Parts, upon Drawback, or to be sent and removed to *Great Britain*, it shall be lawful for such Collector or Officer, upon Proof that such Duties have been paid, or have been charged and duly secured to be paid, and he is hereby authorized and required, to grant a Certificate of the Payment of such Duty, or a Certificate that such Duty has been charged and is duly secured to be paid, to accompany such Glass upon such Exportation to Foreign Parts, or such Removal to *Great Britain*, and to be there produced as aforesaid; and if at any Time after the said Fifth Day of *July* One thousand eight hundred and twenty-eight, any Person or Persons shall export or enter for Exportation from *Ireland*, upon Drawback, or shall remove or send from *Ireland* to be brought into *Great Britain*, or shall bring into *Great Britain*, any Plate Glass, Broad Glass, or Crown Glass, unaccompanied by such Certificate, containing such Particulars as aforesaid; or if any Person or Persons shall refuse to produce such Certificate at the Port of Entry in *Great Britain*, or shall forge or counterfeit any Certificate required by this Act, or shall make use of or deliver any false or untrue Certificate as and for a Certificate required by this Act; all such Glass respectively shall be forfeited, and shall and may be seized by any Officer or Officers of Excise; and the Person or Persons so offending shall forfeit the Sum of Five hundred Pounds: Provided always, that if any Plate Glass, Broad Glass, or Crown Glass, which shall have been previously sent to *Ireland* from *Great Britain*, on Drawback, shall at any Time afterwards be sent or removed to *Great Britain*, the Rate of Duty to be charged thereon as aforesaid shall be equal and according to the Rate of Drawback now payable thereon respectively when exported to Foreign Parts.

Penalty on exporting without such Certificate, 500*l.*

Proviso as to Glass sent to Ireland from Great Britain, on Drawback.

VIII. And be it further enacted, That where by the Schedule to this Act annexed any Drawback is allowed or made payable on any Sort of Glass exported, such Drawback shall not be allowed or paid or given on any Glass exported to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or any of them, except in Cases where the Names of the said Islands are expressly respectively mentioned or set forth, nor on any Glass exported to any of the said Islands, the Name of which shall not be expressly mentioned and set forth.

No Drawback allowed on Export to Jersey, &c. unless expressly mentioned.

IX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered in the present Session.

SCHEDULE to which this Act refers.

	£	s.	d.
DUTIES.			
For every Hundred Weight of the Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in the making of Plate Glass in Plates or Sheets, not being of less Thickness throughout than One Eighth Part of an Inch, or of greater Thickness throughout than Five Eighth Parts of an Inch, and made for the Purpose of being ground and polished as Plate Glass - -	3	0	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of the Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in the making of Plate Glass, other than in such Plates or Sheets as aforesaid - - - -	4	18	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of Spread Window Glass, commonly called or known by the Name of Broad Glass, which shall be made in any Part of the United Kingdom - - - -	1	10	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of all other Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, which shall be made in any Part of the United Kingdom - - - - - - -	3	13	6
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of Materials or Metal or other Preparations whatever, by what Name soever the same are or may be called or known, which shall be made use of in any Part of the United Kingdom in making common Bottles, (the same not being Phials,) and in the making of Vessels made use of in Chemical Laboratories, and of Garden Glasses, and of all other Vessels or Utensils made of common Bottle Metal - -	0	7	0
And so in proportion for any greater or less Quantity.			
DRAWBACKS.			
For every Square Foot, superficial Measure, of ground or polished Plate Glass made in any Part of the United Kingdom from Materials or Metal or other Preparations for or upon which the Duties payable for or in respect of Plate Glass shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, in rectangular Plates of the Size of Six Inches in Length by Four Inches in Breadth at the least, and of the Thickness throughout of One Eighth Part of an Inch at the least, and which shall be free from Stains and of good and fair Quality, and fit for immediate Use as ground and polished Plate Glass - - - - -	0	2	9
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of unground and unpolished Plate Glass made in any Part of the United Kingdom from Materials or Metal or other Preparations for or upon which the Duties payable for or in respect of Plate Glass shall have been			

DRAWBACKS — *continued.*	£	s.	d.
paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of Jersey, Guernsey, Alderney, or Sark, in rectangular Plates of the Size of Six Inches in Length by Four Inches in Breadth at the least, and of the Thickness throughout of not less than Two Eighth Parts of an Inch, and of not more than Five Eighth Parts of an Inch, and which shall be of good and fair Quality	3	0	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, made in any Part of the United Kingdom, for which the Duties shall have been paid, which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of Jersey, Guernsey, Alderney, or Sark, in Whole Tables, or Half Tables, or Quarter Tables, and so in proportion for any greater or less Quantity than a Hundred Weight of such Whole Tables, Half Tables, or Quarter Tables, calculating the Drawback upon the Weight of the Whole Table exported, although the same may be cut into Half or Quarter Tables for the Convenience of Exportation - - -	3	13	6
For every Hundred Weight of Panes of Window Glass, not being Spread Glass, whether flashed or otherwise manufactured, and commonly called or known by the Name of Crown Glass or German Sheet Glass, made in any Part of the United Kingdom, for which the respective Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, such Panes being in regular rectangular Figures, not being of less Dimensions than Six Inches in Length by Four Inches in Breadth, nor containing any Part of the Bullion or thick centre Part of the Table from which any such Panes shall have been cut - - - - - -	4	18	0
And so in proportion for any greater or less Quantity than a Hundred Weight of such Panes.			
For every Hundred Weight of Spread Window Glass, commonly called or known by the Name of Broad Glass, made in any Part of the United Kingdom, for which the Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of Jersey, Guernsey, Alderney, or Sark - - - - - - -	1	10	0
And so in proportion for any greater or less Quantity.			
For every Hundred Weight of common Bottles, (not being Phials,) and of Vessels made use of in Chemical Laboratories, and of Garden Glasses, and of all other Vessels or Utensils of common Bottle Metal, made in any Part of the United Kingdom from Materials or Metal or other Preparations for which the Duties shall have been paid, and which shall be exported from any Part of the United Kingdom to Foreign Parts, or to the Islands of Jersey, Guernsey, Alderney, or Sark - -	0	7	0
And so in proportion for any greater or less Quantity.			

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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C A P. XLIX.

An Act to amend the Laws in force relating to the **Stamp Duties on Sea Insurances, on Articles of Clerkship, on Certificates of Writers to the Signet, and of Conveyancers and others, on Licences to Dealers in Gold and Silver Plate, and Pawnbrokers, on Drafts on Bankers, and on Licences for Stage Coaches in *Great Britain*; and on Receipts in *Ireland*.** [15th *July* 1828.]

WHEREAS it is expedient to amend the Laws in force relating to the Stamp Duties in certain Particulars; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners of Stamps, or any of their Officers (whenever they shall be thereto required), to stamp with any additional Stamp or Stamps any Vellum, Parchment, or Paper which may have been previously stamped, upon which any Policy of Insurance, commonly called a Mutual Insurance, may have been ingrossed, printed, or written, whereby divers Persons insure or agree to insure one another, without any Premium or pecuniary

Policies of Mutual Insurance at Sea may be stamped with additional Stamps, if not underwritten to an Amount exceeding the Sum war-

5 Y Con-

ranted by the former Stamps.

Consideration, from any Loss, Damage, or Misfortune that may happen to any Ship or Vessel, or any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured, although such Policy may have been previously signed or underwritten by any Person or Number of Persons; any thing in an Act made in the Thirty-fifth Year of the Reign of His 35 G. 3. c. 63. late Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Stamp Duties on Sea Insurances*, to the contrary in anywise notwithstanding: Provided always, that at the Time when any such additional Stamp or Stamps shall be required, such Policy shall not have been signed or underwritten to an Amount exceeding the Sum or Sums which the Stamp or Stamps previously impressed thereon will warrant.

Articles of Clerkship executed prior to 22d June 1825, may be stamped before the last Day of Hilary Term 1829, on Payment of Penalty of 5*l*.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of Stamps, or any of their Officers, at any Time before the last Day of *Hilary* Term One thousand eight hundred and twenty-nine, to stamp any Vellum, Parchment, or Paper upon which shall be ingrossed, written, or printed any Articles of Clerkship, Contract, Indenture, or other Instrument, whereby any Person, at any Time before the Twenty-second Day of *June* One thousand eight hundred and twenty-five, became bound to serve as a Clerk or Apprentice in order to his Admission as an Attorney or Solicitor in any of the Courts of Law or Equity, upon Payment to the said Commissioners, or their Officer, of the proper Duty payable in respect of such Articles, and of the further Sum of Five Pounds by way of Penalty; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary in anywise notwithstanding.

Affidavits relating to such Articles of Clerkship may be filed, and Articles registered, before the same Day.

III. And be it further enacted, That if any Person who shall have served or become bound to serve as Clerk to an Attorney or Solicitor in *Great Britain*, under any Articles of Clerkship or Contract bearing Date at any Time before the said Twenty-second Day of *June* One thousand eight hundred and twenty-five, shall or may have neglected or omitted to cause any Affidavit or Affidavits of the Times of the Execution of such Articles to be made and filed, or shall or may have neglected or omitted to cause any such Articles to be inrolled or registered, it shall and may be lawful for such Person, at any Time on or before the last Day of *Hilary* Term One thousand eight hundred and twenty-nine, to cause One or more Affidavit or Affidavits to be made and filed in such Manner as the same ought to have been made and filed in due Time, and also to cause such Articles (being first duly stamped) to be inrolled or registered with the proper Officer in that Behalf; and every such Person as aforesaid shall be and he is hereby indemnified from all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts imposed and incurred, or to be incurred, for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the said last Day of the said *Hilary* Term, shall be as effectual, to all Intents and Purposes, as if the same had been made and filed within the respective Times when the same ought by

the Laws in force for that Purpose to have been made and filed; any thing in any Act or Acts in force immediately before the passing of this Act to the contrary in anywise notwithstanding.

Articles of Clerkship in the Courts of Great Sessions, &c. may be stamped, on Payment of the Duty of 120*l.* for Admission of the Parties in the Courts at Westminster.

IV. And be it further enacted, That upon Payment of the Sum of One hundred and twenty Pounds, being the Amount of the Duty imposed by Law on Articles of Clerkship entered into by any Person in order to his Admission in any of His Majesty's Courts at *Westminster*, it shall and may be lawful for the Commissioners of Stamps, or any of their Officers, at any Time after the passing of this Act, whenever thereto required, and although more than Six Months shall have elapsed from the Date of such Articles, to stamp any Vellum, Parchment, or Paper upon which shall be ingrossed, written, or printed any Articles of Clerkship, Contract, Indenture, or other Instrument under which any Person may have served or become bound to serve as a Clerk in order to his Admission in any of the Courts of Great Sessions in *Wales*, or of the Counties Palatine of *Chester*, *Lancaster*, or *Durham*, or in any other Court of Record in *England* (not being one of His Majesty's Courts at *Westminster*), holding Pleas, where the Debt or Damage amounts to Forty Shillings, any thing in any Act or Acts to the contrary notwithstanding; and thereupon the Person having so served shall be capable of being admitted an Attorney or Solicitor in any one or more of His Majesty's said Courts at *Westminster*: Provided always, that at the Time when such Articles of Clerkship shall be required to be stamped with the said Stamp denoting the Payment of the said Sum of One hundred and twenty Pounds, such Articles shall have been previously stamped with a Stamp denoting the Payment of the Duty payable in respect of the same at the Date of such Articles of Clerkship.

Certificates to Writers, &c. in Scotland, to expire annually on 31st October.

V. And whereas it is expedient that certain annual Certificates and Licences herein-after mentioned, granted by the Commissioners of Stamps and their Officers, should expire at fixed Periods; be it therefore enacted, That every Certificate which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, to any Person admitted as a Writer to the Signet, or as a Solicitor, Agent, Attorney, or Procurator in any of the Courts in *Scotland*, or to any Person admitted or inrolled as a Notary Public in *Scotland*, or to any Sworn Clerk, Clerk in Court, or other Clerk or Officer in any of the Courts aforesaid, who, in his own Name, or in the Name of any other Person, shall commence, prosecute, carry on, or defend any Action, Suit, or other Proceeding in any of the Courts aforesaid, or shall do any notarial Act whatever, for or in Expectation of any Fee, Gain, or Reward, as an Attorney, Solicitor, Agent, Procurator, or Notary Public, although not admitted or inrolled as such, shall cease and determine from the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight.

Mode of issuing Certificates to Writers, &c. in Scotland.

VI. And for regulating the Mode of issuing and entering the Certificates to be taken out yearly by Writers to the Signet, Solicitors, Agents, Attornies, Procurators, and Notaries Public, in *Scotland*; be it

it enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, every Person admitted in *Scotland* as a Writer to the Signet, or as an Attorney or Sworn Clerk in the Court of Exchequer, or as a Solicitor in the Supreme Courts, or as an Agent in the Court of Session, or as a Procurator or Solicitor in any other Court, or as a Public Notary, shall, between the Thirty-first Day of *October* and the First Day of *December* in each and every Year while he shall continue to act as a Solicitor or Agent, Attorney or Procurator in any Court, or as a Public Notary, and in the Case of Persons not admitted before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, then before any such Persons shall begin to act in any such Character or Capacity, and afterwards between the Thirty-first Day of *October* and the First Day of *December* in each and every Year as aforesaid, deliver in to the Head Collector of Stamp Duties at *Edinburgh*, or to the Officer at the Stamp Office there, who may be authorized to issue such Certificates as aforesaid, or to the Distributor or Person duly authorized to act as a Distributor of Stamps for the District, Shire, Stewartry, or Place wherein the Business of the Person requiring such Certificate shall be carried on, a Paper or Note in Writing, containing the full Name and Designation or Description of such Person, together with his usual Place of Residence, or the Place where his Business is carried on, which shall be deemed and taken to be the Place of his Residence, and shall be described as such in the said Paper or Note in Writing, and likewise stating whether his first Admission to act in any such Character or Capacity as aforesaid has been within or beyond Three Years; and thereupon, and upon Payment of the appropriate Duty imposed by Law, every such Person shall be entitled to a Certificate duly stamped, to denote the Payment of the said Duty, according to the Place of Residence described as aforesaid; which Certificate shall be immediately issued under the Hand of the said Head Collector or other proper Officer of Stamps to be for that Purpose duly authorized, and in such Manner and Form as the Commissioners of Stamps shall appoint.

Certificates in the City or Shire of Edinburgh, to be entered with Officer of Court of Session; elsewhere, with the Sheriff or Stewart Clerk.

VII. And be it further enacted, That every Certificate so to be obtained by any Person residing or carrying on Business within the City or Shire of *Edinburgh* shall, within the Time herein-before specified, or before such Person shall begin to act as aforesaid, be entered in a particular Book, Roll, or Record, to be prepared and kept by an Officer whom the Judges of the Court of Session are hereby authorized and directed to appoint for that Purpose; and that every such Certificate so to be obtained by any Person residing or carrying on Business elsewhere shall, within the Time herein-before prescribed, or before the Obtainer thereof shall begin to act as aforesaid, be entered in a particular Book, Roll, or Record, to be prepared and kept by the Clerk or Person duly authorized to act as Clerk of the Sheriffdom or Stewartry within which the Obtainer of such Certificate shall happen to reside or carry on Business; which said Officer appointed by the Court of Session, and the Clerks or Persons duly authorized to act as Clerks of the respective Sheriffdoms or Stewartries, shall respectively from Time to Time, upon any such Certificate being exhibited or delivered in for the Purpose of being entered, and upon Payment

Payment of a Fee of One Shilling, enter the Name and Description of the Person mentioned in such Certificate, together with the Place of his Residence as therein described, in the said appropriate Book, Roll, or Record, in which the Names shall be entered in alphabetical Order, and to which all Persons shall and may at all seasonable Times have Access, without Fee or Reward; provided that only One Book, Roll, or Record shall be kept and used at one Time, for the Purpose aforesaid, within any One Shire or Stewartry in *Scotland*; and that it shall be incumbent upon the proper Officer appointed by the Court of Session, and the respective Sheriff and Stewart Clerks or Persons duly authorized to act as such, upon receiving any such Certificate as aforesaid, to mark thereupon the Date of its being exhibited, and to re-deliver the same to the Party at any Time after the Expiration of Three Days, whenever the same shall be applied for, with a signed Note or Memorandum denoting it to have been duly entered in the said appropriate Book, Roll, or Record; and if any Officer appointed by the Court of Session, or Clerk or Person duly authorized to act as Clerk of any Sheriffdom or Stewartry, to whom any such Certificate shall be exhibited and delivered or tendered for the Purpose of being entered as aforesaid, shall refuse or neglect or fail to enter the same, or shall neglect or fail to mark thereon the Date of its being exhibited, or the Entry thereof, or shall wilfully and knowingly mark thereon any false or incorrect Date, or shall refuse to re-deliver the same to the Party when the same shall be applied for, every such Officer or Clerk so offending shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Only One Book to be kept for each Shire or Stewartry.

VIII. And be it further enacted, That every such Certificate to be hereafter issued in *Scotland*, between the Thirty-first Day of *October* and the First Day of *December* in any Year, shall bear Date on the First Day of *November* in such Year; and that every such Certificate issued at any other Time shall bear Date on the Day on which the same shall be issued; and that every such Certificate, at whatever Time of the Year the same shall be issued, shall have effect and be in force from the Day of the Date thereof, and shall cease and determine on the Thirty-first Day of *October* then next ensuing.

Determination of Certificates in Scotland.

IX. And be it further enacted, That from and after the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight, if any Person whatever (not being entitled to any special Exemption from the Duties on such Certificates) shall, for or in Expectation of any Gain, Fee, or Reward, directly or indirectly, by himself or by any other Person acting for him, and whether in his own Name or in the Name of any other Person, sue out any Writ or Process, or commence, carry on, or defend any Action, Suit, or Proceeding, or do any Act whatever, in any Court in *Scotland*, as a Solicitor, Agent, Attorney, or Procurator of such Court, or shall act as a Public Notary, or exercise the Office of a Notary in any Manner, or shall do any notarial Act whatever in *Scotland*, without having first duly obtained a proper stamped Certificate in the Manner hereinbefore directed, or without having caused the same to be entered in the appropriate Book, Roll, or Record as aforesaid, or shall deliver to the proper Officer of Stamps any Paper or Note in Writing, misrepresenting

Penalty for acting after 31st October 1828 without a Certificate, or without entering it, or for delivering in an erroneous Place of Residence.

senting the Place of his Residence, or the Time of his first Admission in any such Character or Capacity as aforesaid, with Intent to evade the Payment of any Duty or Rate of Duty payable on such Certificate, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, and shall also be incapable of maintaining or prosecuting any Action, Suit, or Proceeding in any Court of Law or Equity, for the Recovery of any Fee, Reward, or Disbursement, upon account of or with relation to any Business, Matter, or Thing performed, executed, directed, or conducted by him in any Character or Capacity requiring a Certificate.

Penalties in Scotland how to be recovered.

X. And be it further enacted, That all pecuniary Penalties and Forfeitures imposed by this Act, for and on account of any Offence committed in *Scotland*, shall and may be sued for and recovered in His Majesty's Court of Exchequer at *Edinburgh*, in any Way or Manner in which Penalties incurred under any Act relating to the Stamp Duties may be sued for and recovered.

Certificates to Conveyancers, Special Pleaders, and Draftsmen, in England, granted before the 31st Oct. 1828, shall cease on that Day.

XI. And be it further enacted, That every Certificate which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *October* One thousand eight hundred and twenty-eight, to any Person being a Member of One of the Four Inns of Court in *England*, who in the Character of Conveyancer, Special Pleader, Draftsman in Equity, or otherwise, shall, for or in Expectation of any Fee, Gain, or Reward, draw or prepare any Conveyance of, or any Deed or Instrument relating to, any Estate or Property, Real or Personal, or any other Deed or Contract whatever, or any Pleadings or Proceedings in any Court of Law or Equity, shall cease and determine from the said Thirty-first Day of *October* One thousand eight hundred and twenty-eight; and that any Certificate which at any Time after the Thirty-first Day of *October* and before the First Day of *December* One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be granted by the Commissioners of Stamps, or their proper Officer, to any Person who, in any of the said Characters, shall do or perform any Act, Matter, or Thing herein-before mentioned, shall bear Date on the First Day of *November* in such Year respectively; and that every such Certificate which shall be granted at any other Time in the Year One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be dated on the Day on which such Certificate shall be actually granted; and every such Certificate, whatever may be the Date thereof, shall have effect and be in force from the Day of the Date thereof, until and upon the Thirty-first Day of *October* then next following, and shall then cease and determine.

Plate and Pawnbrokers Licences to expire annually on 31st July.

XII. And be it further enacted, That every Licence which shall have been granted at any Time before the passing of this Act, or which shall be granted at any Time before the Thirty-first Day of *July* One thousand eight hundred and twenty-eight, to any Person trading in, vending, or selling any Gold or Silver Plate, or any Gold or Silver Goods or Wares, or to any Pawnbroker trading in, vending, or selling any Gold or Silver Plate, or taking or delivering out Pawns of such Plate, Goods, or Wares, or to any Refiner of Gold or Silver, in

Great Britain, or to any Person for using or exercising the Trade or Business of a Pawnbroker in *Great Britain*, shall cease and determine from the said Thirty-first Day of *July* One thousand eight hundred and twenty-eight; and that every Licence which at any Time after the Thirty-first Day of *July* and before the First Day of *September* One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be granted by the Commissioners of Stamps, or their proper Officer, to any Person for any of the Purposes aforesaid, shall bear Date on the First Day of *August* in such Year respectively; and that every such Licence which shall be granted at any other Time in the Year One thousand eight hundred and twenty-eight, or in any subsequent Year, shall be dated on the Day on which such Licence shall be actually granted; and every such Licence, whatever may be the Date thereof, shall have effect and be in force from the Day of the Date thereof, until and upon the Thirty-first Day of *July* then next following, and shall then cease and determine.

Proportionate Allowance to be made upon Certificates and Licences unexpired.

XIII. And be it further enacted, That it shall be lawful for the Commissioners of Stamps, and they are hereby authorized and required, to make and pay, in such Manner and under such Regulations as they shall direct, to any and every Person who shall have obtained and be in Possession of any Certificate or Licence which under the Provisions of this Act shall cease and determine before the Expiration of the full Term for which such Certificate or Licence shall have been originally granted, an Allowance of a proportionate Part of the Stamp Duty originally paid on such Certificate or Licence, according to the Term or Period then to come or unexpired thereon.

Allowance not to be made in certain Cases.

XIV. Provided always, and be it enacted, That no such Allowance shall in any Case be made to any Person who shall not take out a new Certificate or Licence under the Provisions of this Act, nor unless the Certificate or Licence in respect of which such Allowance shall be claimed shall be delivered up to the said Commissioners of Stamps, or their proper Officer, on or before the Fifth Day of *April* One thousand eight hundred and twenty-nine; and the said Commissioners of Stamps, or their Officer, shall cancel all Certificates or Licences so delivered up, and on which such Allowance shall be made.

Drafts on Bankers in Great Britain, issued within 15 Miles of such Bankers, exempted from Stamp Duty.

XV. And be it further enacted, That from and after the passing of this Act, all Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, and drawn in any Part of *Great Britain*, upon any Banker or Bankers, or any Person or Persons acting as a Banker, who shall reside or transact the Business of a Banker within Fifteen Miles of the Place where such Drafts or Orders shall be issued, shall be and the same are hereby exempted from any Stamp Duty imposed by any Act or Acts in force immediately before the passing of this Act, any thing in any such Act or Acts to the contrary notwithstanding; provided the Place where such Drafts or Orders shall be issued shall be specified therein; and provided the same shall bear Date on or before the Day on which the same shall be issued; and provided the same do not direct the Payment to be made by Bills or Promissory Notes.

XVI. And

So much of 50 G. 3. c. 48. as directs the Names of Proprietors of Stage Coaches to be painted on the Doors thereof, repealed.

XVI. And be it further enacted, That from and after the passing of this Act, so much of an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal Three Acts made in the Twenty-eighth, Thirtieth, and Forty-sixth Years of His present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches or other Carriages, and to enact other Regulations for carrying the Objects of the said Acts into Effect*, whereby it is enacted, that all and every Person or Persons who shall be duly licensed to keep any Coach or other Carriage for the Purpose of conveying Passengers for Hire to and from different Places in *Great Britain*, is and are respectively directed and required to paint or cause to be painted on the Outside of each Door of each such Coach or other Carriage above described, or on some other conspicuous Part thereof, the Name or Names of the Person or Persons, or the Company of Proprietors, or Firm, to whom such Coach or other Carriage shall belong; and so much of the said recited Act is hereby repealed accordingly to all Intents and Purposes whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or alter any Clause or Provision contained in an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the Duties on Licences taken out by Persons letting Horses for the Purpose of travelling Post, and on Horses let to Hire for travelling Post and by Time, and on Stage Coaches, and for granting other Duties in lieu thereof, and also additional Duties on Horses let to Hire for travelling Post and by Time*, whereby it is enacted, that all and every Person or Persons so licensed to use every such Coach or other Carriage as aforesaid shall mark or paint, or cause to be marked or painted, on the outside Pannel of each Door thereof, in such Manner as in the said Act is mentioned, his, her, or their Christian and Surname, together with the Name of the Place from whence they set out and to which they are going.

Nothing herein to repeal or alter any Part of 25 G. 3. c. 51. as to Names of licensed Persons being painted on the Doors of Coaches, &c.

So much of 7 G. 4. c. 33. as permits Informations to be laid by any Persons as to Stage Coaches, repealed.

XVII. And be it further enacted, That from and after the passing of this Act so much of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to make further Regulations relating to the licensing of Stage Coaches*, shall be repealed, whereby it is enacted, that it shall be lawful for any Person or Persons whatsoever to lay, make, and prosecute any Information before any Justice or Justices of the Peace against any Person or Persons, for the Recovery of any Fine, Penalty, or Forfeiture made or incurred by virtue of the said Act, or of any other Act or Acts relating to Carriages or Vehicles kept, used, or employed to convey Passengers for Hire; and so much of the said recited Act is hereby repealed accordingly, to all Intents and Purposes whatsoever, as well with relation to any Offences committed at any Time before the passing of this Act, for which Informations or Proceedings may be depending or in Process at the Time of the passing of this Act, as with relation to any Offences which may be committed at any Time after the passing of this Act.

Justices may quash Informations

XVIII. And be it further enacted, That from and after the passing of this Act, in all Cases where any Information shall have been laid

or

or shall be laid before any Justice or Justices of the Peace in *Great Britain*, by any Person other than the Solicitor of Stamps in *England* or *Scotland*, or some Officer of the Stamp Duties, for the Recovery of any Fine, Penalty, or Forfeiture made or incurred by virtue of any Act or Acts relating to any Duties under the Management of the Commissioners of Stamps, it shall be lawful for the Person or Persons against whom such Information shall have been or shall be laid to apply to the Justice or Justices of the Peace before whom the Information shall have been laid, or to the Justices of the Peace at the General Quarter Sessions to which any Appeal shall have been or shall be duly made from any Conviction obtained or made on any such Information laid by any Person other than as aforesaid, to quash such Information or Conviction upon Payment by the Defendant of such Costs and Charges as to such Justice or Justices shall seem reasonable; and it shall be lawful for such Justice or Justices, if they shall think fit so to do, and such Justice or Justices are hereby authorized and empowered, upon such Application, to quash such Information or Conviction accordingly.

laid by any other Person than an Officer of Stamps, on Payment of Costs.

XIX. And whereas by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the Collection and Management of Stamp Duties on Bills of Exchange, Promissory Notes, Receipts, and Game Certificates in* Ireland, Three several Penalties of Twenty Pounds each, and One Penalty of Fifty Pounds, are imposed upon Persons committing the several Offences specified in the said last-recited Act, in relation to the Stamp Duties on Receipts in *Ireland*; be it enacted, That from and after the Expiration of Ten Days next after the passing of this Act, any Person who shall have committed or shall commit any of the Offences in the said Act specified, in relation to the Stamp Duties on Receipts in *Ireland*, shall, upon Conviction for any such Offence, forfeit and pay the Sum of Ten Pounds and no more; any thing in the said recited Act to the contrary notwithstanding.

Penalties of 20*l.* and 50*l.* under 55 G.3. c. 100. as to Receipts in Ireland, reduced to 10*l.*

XX. And be it further enacted, That from and after the Expiration of Ten Days next after the passing of this Act, so much of the said last-recited Act as declares that any Clerk or Person in the Employment of another, who shall commit certain Offences in the said Act mentioned relating to Receipts, shall, upon being convicted thereof, be deemed guilty of a Misdemeanor, and be punished by Fine and Imprisonment and other corporal Punishment, shall be and the same is hereby repealed; and from and after the Expiration of Ten Days next after the passing of this Act, any Clerk or other Person in the Employment of another, who shall have committed or shall commit any such Offence, shall, upon Conviction for any such Offence, forfeit the Sum of Ten Pounds, and no more, in addition to the Penalty to which the Employer or Employers of such Person is or are by the said last-mentioned Act or by this Act subject and liable in respect of such Offence.

So much of 55 G.3. c. 100. as declared certain Offences by Clerks as to Receipts to be Misdemeanors, repealed.

Penalty on Persons committing such Offence, 10*l.*

XXI. And be it further enacted, That the said several Penalties of Ten Pounds by this Act imposed on Offences committed in *Ireland*

Recovery of Penalties.

shall be recovered in the same Manner as any Penalty imposed by the Acts in force in *Ireland* with respect to Stamp Duties may be recovered.

On Proceedings pending for Penalties under 55 G. 3. c. 100. Judgment or Conviction shall be only for Penalties imposed by this Act.

XXII. Provided always, and be it enacted, That in every Case in which any Suit, Proceeding, or Prosecution shall have been commenced with relation to any such Offences under the said last-recited Act, and in which Judgment or a Conviction shall not have been obtained before the passing of this Act, such Suit, Proceeding, or Prosecution shall not be abated or affected in consequence of the Provisions of this Act, and it shall not be necessary to recommence such Suit, Proceeding, or Prosecution; but in case a Judgment or Conviction shall be obtained therein, the same shall be given only for the Amount of the Penalty or Penalties by this Act imposed, in lieu of the Penalty or Punishment under the said recited Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. L.

An Act for regulating the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers or Seamen in the Service of the *East India* Company. [15th *July* 1828.]

WHEREAS by an Act made and passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the* East India *Company*, Provisions are made for regulating the Appropriation of all such unclaimed Prize Money, belonging to Soldiers or Seamen in the Service of the United Company of Merchants of *England* trading to the *East Indies*, as had accrued at the Time of the passing of the said Act, and as was then remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever: And whereas it is expedient that Provision should be made for regulating the Appropriation of all Sums of Money belonging to Officers and Soldiers employed in the Service of the said United Company, and of all Sums of Money belonging to Commanders, Officers, and Crews of Ships hired by or belonging to the said United Company, which, since the passing of the said Act, have come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall hereafter

1 & 2 G. 4. c. 61.

hereafter arise from or become distributable, in respect of any Capture made, or other warlike Service already performed, and which shall hereafter come to the Hands of Prize Agents and other Persons; and that all unclaimed Shares of such Prize Money should be appropriated as herein-after is provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Prize Money belonging to Soldiers remaining in the Hands of Agents and others, to be paid over to the East India Company.

That all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong to Officers or Soldiers or to any Officer or Soldier in or having been in the Service of the said Company, in whatever Service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money, when so paid over, shall be applied to the Fund established by the Right Honourable *Robert* late Lord *Clive*, for the Relief of Persons and the Widows of Persons in the Military Service of the said United Company, commonly called "Lord *Clive*'s Fund," for the Purpose and Objects of the said Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Application of the Money so paid over.

Prize Money belonging to Seamen, in the Hands of Agents and others, to be paid over to the East India Company.

II. And be it further enacted, That all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong to Commanders, Officers, Sailors, or other Persons, or to any Commander, Officer, Sailor, or other Person, serving or who may have served on board of any Ship or Vessel in the Service of the said Company, whether hired or belonging to the said Company, in whatsoever Service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money, when so paid over, shall be applied to the Hospital Fund established for the Relief of Persons and Widows of Persons belonging to Ships and

Application of such Money.

Vessels in the Service of the said United Company, commonly called "*Poplar* Hospital," for the Purposes and Objects of the said last-mentioned Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Nothing herein to give to the Company any Right to Prize Money of any Soldier or Sailor on account of Services in any of His Majesty's Forces or Ships.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said United Company, or any Person or Persons on the Behalf of the said Company, any Right, Title, or Interest in or to any Booty, Prize Money, Head Money, Bounty Money, Salvage Money, or to any forfeited or unclaimed Share or Shares thereof, which now is or are or hereafter shall be due or payable to any Officer, Soldier, Sailor, or other Person, on account of Services in His Majesty's Army, Royal Artillery, Black, Provincial, or other Troops in the Pay of His Majesty, or on board of any of His Majesty's Ships or Vessels, or in any other Service, to the forfeited and unclaimed Shares of which the Royal Hospital for Seamen at *Greenwich*, or the Royal Hospital for Soldiers at *Chelsea*, the respective Treasurers thereof, are entitled or shall become entitled by the Laws now in force, nor to give any Powers or Authorities to the said United Company over such last-mentioned Booty, Prize Money, Head Money, Bounty Money, or Salvage Money, or in respect thereof.

Times within which Payments to the Company are to be made.

IV. Provided also, and be it further enacted, That all Money now remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in *London*, shall be paid within Six Calendar Months next after the passing of this Act; and all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, shall be paid within Six Calendar Months next after the Governments of the said Settlements respectively shall have caused the Provisions of this Act in that respect to be notified in the Way in which general Orders for the Army are usually published at the said Settlements respectively; and that all Money which shall hereafter come into the Hands of any Prize Agent or Prize Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in *London*, shall be paid within Six Calendar Months next after the Receipt thereof by such Prize Agent or Agents, or other Person or Persons; and that all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, and which shall be in the Hands of such Prize Agent or Agents, or other Person or Persons, at the Time when the Governments at the said Settlements respectively shall have caused the Provisions of this Act in that respect to be notified in the Way in which general Orders for the Army are usually published at the said Settlements respectively, shall be paid over within Six Calendar Months

Months next after such Notification; and that all such Money which shall, after such Notification, come to the Hands of any Prize Agent or Agents, or other Person or Persons whomsoever, shall be paid within Six Calendar Months next after the Receipt thereof by such Prize Agent or Agents, or other Person or Persons.

Agents and other Persons to deliver upon Oath Accounts of unclaimed Shares.

V. And be it further enacted, That all and every Person and Persons whomsoever, who are required by this Act to pay over any Money to the said United Company, shall and they are hereby required, without further Requisition or Notice, to deliver or cause to be delivered to the Secretary of the said United Company in *London*, or to the several Secretaries of the respective Governments at the Settlements Abroad, where such Money shall be to be paid over to the said United Company respectively, a true and correct Account of all the Monies remaining in his or their Hands, and so to be paid over, with a List or Lists of the Names, Rank, Regiment, or other sufficient Description of the Persons entitled thereto, which Accounts and Lists shall be verified by the Affidavit on Oath of the Party or One of the Parties required to deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly.

The Court of Directors and Governments Abroad empowered to call for general Prize Accounts on Oath.

VI. And be it further enacted, That upon the reasonable Request and Notice of the Court of Directors of the said United Company, and the Governments of the Settlements of the said Company Abroad respectively, all and every Person and Persons whomsoever, who are required by this Act to pay over any Money to the said United Company, shall make out and deliver, or cause to be made out and delivered, to the Secretaries of the said Court of Directors and of the said Governments respectively requiring the same, full, true, and particular Accounts in Writing of all the Receipts, Payments, Dealings, and Transactions of such Person and Persons; and if they shall be Executors, Administrators, Agents, or Representatives, then full, true, and particular Accounts in Writing of their several Testators, Intestates, and Principals, any way relating to any Booty, Prize Money, or other Matter in respect of which such Money so to be paid over shall have arisen, with the Dates of all and every such Receipts, Payments, Dealings, and Transactions, and true and correct Lists and Descriptions of all Grants, Deeds, Writings, Books of Account, Letters, and Papers whatsoever in the Custody or Power or which ever shall have been in the Custody or Power of the Persons respectively required to make out and deliver the same, or of their respective Testators, Intestates, or Principals, any way relating to any such Booty, Prize Money, or other Matter; which Accounts and Lists shall be verified by Affidavit on Oath, to the best of the Knowledge, Information, and Belief of the Person or Persons required to make out and deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly; and all the Grants, Deeds, Writings, Books of Account, Letters, and Papers relating to the Matters aforesaid, and in the Custody or Power of the Person or Persons

Persons required to pay over any such Money as aforesaid, shall be produced and shown at all reasonable Times, at the Place or Places where such Grants, Deeds, Writings, Books of Account, Letters, and Papers shall be usually kept and deposited, or in some other reasonable and convenient Manner, to such Person and Persons as the said Court of Directors, or the said Governments respectively, shall direct or authorize to inspect the same; and such Person and Persons shall have full Liberty to inspect and take, and cause to be taken, such Copies, Extracts, and Abstracts thereof as he or they, or the said Court of Directors, or the said Governments respectively, shall see fit: Provided always, that this Act, or any thing herein contained, or the Production, Inspection, or Examination of the Accounts, Books, and Papers before mentioned, shall not in any way be deemed or construed to extend to open any Account which shall have been conclusively closed and settled by the Order, Judgment, Sentence, or Decree of any Court of competent Jurisdiction, or in any other Manner by which the Parties interested therein would have been concluded if this Act had not passed, nor to prevent any Court of competent Jurisdiction to order any such Account to be opened, or to give Liberty for Surcharge or Falsification thereof, upon just Cause and Ground shewn for that Purpose.

Not to require Accounts which have been legally closed.

VII. And be it further enacted, That if any Person or Persons whosoever shall be convicted of making a false Oath touching any of the Matters directed or required by this Act to be testified on Oath, such Person or Persons so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons guilty of Perjury are liable by any Law in force in that *Part of the United Kingdom called England*; and if any Person shall corruptly procure or suborn any other Person or Persons to swear falsely in any such Oath, such Person, being duly convicted of such procuring and suborning, shall for every such Offence incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Perjury are respectively liable unto by any Law in force in the said Part of the said United Kingdom called *England*.

Persons taking false Oaths guilty of Perjury, and Persons suborning liable to the Penalties of Perjury according to the Law of England.

VIII. And be it further enacted, That the said United Company shall have and be entitled to the same Rights, Powers, Remedies, and Methods of Suit at Law or in Equity, or by any Admiralty Process, to be commenced and prosecuted in the Name of the said United Company, in the several Courts of Justice in the United Kingdom, and in the *East Indies*, and elsewhere soever, for Discovery and Recovery of the Monies hereby directed to be paid over to the said Company, as the original Owners thereof now have, or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty Jurisdiction, in the United Kingdom, and in the *East Indies*, shall have and exercise the same Jurisdiction, Powers, and Authorities for compelling all and every Person and Persons to account for and pay over the Monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty Jurisdiction, may now lawfully exercise, with respect to any unclaimed Balances payable to the Treasurers of *Greenwich* Hospital and *Chelsea* Hospital respectively, by virtue of any Act or Acts of Parliament, or any Law, Usage,

Power of Recovery of the Monies directed to be paid over.

Courts of Justice invested with the same Powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c. to exercise similar Authority to what may be exercised by the Treasurer of Greenwich and Chelsea Hospitals.

Usage, or Custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several Governments of the Settlements Abroad of the said United Company, to exercise the same or the like Powers and Authorities, for the Recovery of the Monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to Prize Money by the Treasurers of *Greenwich* Hospital and *Chelsea* Hospital respectively, so far as such Powers and Authorities extend to the Recovery by them, and the Discovery, of unclaimed Shares of Prize Money due and belonging to any Officers, Soldiers, or Seamen in the Service of His Majesty, and shall be applicable to the Objects of this Act, and all and every Agent or Agents shall be subject to the like Penalties for Neglect or Default in not accounting for or paying over the Share or Shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as Agents are made liable to by any Act or Acts now in force, for not accounting for or for not paying over Shares and Balances to the Treasurers of *Greenwich* and *Chelsea* Hospitals respectively.

Not to affect the Interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect the Royal Hospital for Soldiers at *Chelsea*, nor the Royal Hospital for Seamen at *Greenwich*; nor to take away, repeal, diminish, or interfere with any Claim, Right, or Interest which by virtue of any Law or Laws now in force may have been given, or are now existing, or may hereafter by virtue of the said Acts become vested in the said Royal Hospitals, or in the Treasurers thereof, on any unclaimed and forfeited Shares of Prize Money, or for the Recovery thereof, for the Benefit of the said Institutions, or for the Benefit of the Person or Persons entitled to any unclaimed and forfeited Shares of Prize Money; but the same shall continue and remain in the said Commissioners, and in the said Treasurers, as if this Act had not been made.

Acquitting Persons paying over Prize Money.

X. And be it further enacted, That all and every Person and Persons who shall pay over to the said Company, or to any other Person or Persons by their Order or for their Use, any Sum or Sums of Money required to be paid under the Provisions of this Act, shall, from and after such Payment, be absolutely acquitted and discharged from all Claims and Demands whatsoever of all and every other Person and Persons to the same Monies which shall be so paid over.

Expences of carrying this Act into Execution to be defrayed out of the Monies recovered.

XI. And be it further enacted, That all Expences incurred or to be incurred in executing this Act, and the Sums paid in remunerating the Officers or Persons employed on behalf of the said United Company, for their Care, Pains, and Trouble in performing the Regulations and Directions thereof, shall, so far as the same relate to those Officers or Persons, be subject to the Discretion of the Court of Directors for managing the Affairs of the said Company, and shall be paid out of the Principal Monies to be recovered and discovered as aforesaid on account of such Shares respectively: Provided nevertheless, that no

Persons employed by the Company

Person employed by the said United Company in executing the

Regulations of this Act, shall act as an Agent for Prizes, or be concerned directly or indirectly in the Business thereof, under the Penalty of Five hundred Pounds. not to act as Agents.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from resorting to any Remedy at Law or in Equity against the said Company, for the Recovery of Principal, without Interest, of any Money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the Credit of either of the Funds herein-before mentioned, under the Directions of this Act; provided such Person or Persons shall have preferred his or their Claim thereto to the said Court of Directors, if such Money shall have been paid over to the said Company in *England*, or shall have been carried over from their Funds at Home, or to the Governor in Council of the Presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their Funds in *India*, within Six Years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding. Not to prevent Persons trying Rights to Prize Money.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LI.

An Act to alter and amend an Act for enabling His Majesty to grant to a Company, to be incorporated by Charter, to be called "The *Canada* Company," certain Lands in the Province of *Upper Canada*.

[15th *July* 1828.]

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called,* "*The* Canada *Company,*" *certain Lands in the Province of* Upper Canada, *and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto,* it was enacted, that in case His Majesty shall, within Three Years after the passing of this Act, be pleased, by Charter of Incorporation under the Great Seal of *Great Britain* and *Ireland*, to declare and grant that such and so many Persons as shall be named therein, and all and every such other Person or Persons as from Time to Time shall be duly admitted Members into their Corporation, shall be a Body Politic and Corporate, by the Name of "The *Canada* Company," and to declare that the said Corporation so to be made and created shall be established for the Purpose herein-before mentioned, and for such other lawful Purposes as to His Majesty may seem meet, then and in that Case it shall and may be lawful for the said Corporation to hold, to them and their Successors, such Lands, Tenements, and Hereditaments within the said Provinces as shall or may be granted by His Majesty to them and their Successors within the said Provinces, or as, subject to the Restrictions herein-after mentioned, shall be contracted for and purchased or acquired by them therein, and to hold, alienate, 6 G. 4. c. 75.

alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such Conditions, Provisions, Limitations, and Restrictions as His Majesty by such His Charter may impose, direct, or prescribe; and it was thereby enacted, that all Conveyances which were made by the said *Canada* Company to any Individual or Individuals, of any Part of the Lands to be granted to or to be purchased or held by the said Company, should be made according to a certain Form for that Purpose provided: And whereas by Letters Patent under the Great Seal, bearing Date at *Westminster* on the Nineteenth Day of *August* in the Seventh Year of His Majesty's Reign, His Majesty, in pursuance of the said Act, was graciously pleased to give, grant, make, ordain, constitute, declare, and appoint, that *Charles Bosanquet* Esquire, *William Williams* Esquire, *Robert Biddulph* Esquire, *Richard Blanchard* Esquire, *Robert Downie* Esquire, *John Easthope* Esquire, *Edward Ellice* Esquire, *James William Freshfield* Esquire, *John Fullarton* Esquire, *John Galt* Esquire, *Charles David Gordon* Esquire, *William Hibbert* the younger, Esquire, *John Hodgson* Esquire, *John Hullett* Esquire, *Hart Logan* Esquire, *Simon M'Gillivray* Esquire, *James M'Killop* Esquire, *John Masterman* Esquire, *Martin Tucker Smith* Esquire, and *Henry Usborne* Esquire, together with such and so many other Person or Persons, Bodies Politic or Corporate, as had become or should at any Time thereafter become Subscribers or Shareholders of or for the Capital Stock therein-after mentioned, in manner therein-after provided, and their respective Successors, Executors, Administrators, and Assigns, and such other Person or Persons, Bodies Politic or Corporate, as should from Time to Time be possessed of or entitled to such Shares as are therein-after provided, should be one Body Politic and Corporate in Deed and in Name, by the Name of "The *Canada* Company," and by that Name should and might sue and be sued, implead and be impleaded, in all Courts, whether of Law or Equity, and should have perpetual Succession, with a Common Seal, which might by them be changed or varied at their Pleasure; and by the said Letters Patent Provision was made for the Government of the said Company: And whereas the said Letters Patent are in all respects in pursuance of and in conformity with the Provisions of the said Act of Parliament; but adequate Provision was not made for rendering valid and effectual, within the said Province of *Upper Canada*, the Conveyances to be made as aforesaid by the said Company of the Lands to be granted or to be purchased by the said Company, whereby the Operations of the said Company in settling such their Lands may be impeded: Be it therefore enacted, and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Company, by Warrant of Attorney or written Instrument under their Corporate Seal, to constitute and appoint Two or more Persons, being in *Upper Canada*, to make and execute Conveyances in the Name and on the Behalf of the said Company, to any Individual or Individuals, of any Part of the Lands to be granted to or purchased or held by the said Company, in the Manner and subject to the Restrictions in the said Act of Parliament contained, and which Conveyances shall be made under the Signatures of the said Attornies, and under such Seal as herein-after

Canada Company, by Warrant of Attorney, may appoint Persons, being in Upper Canada, to execute Conveyances in the Name of the Company.

after mentioned, and according to the Form following, or as near thereto as the Circumstances of the Case will admit; that is to say,

Form of Conveyance.

'WE, *A.B.* and *C.D.*, the Attornies of the *Canada* Company, incorporated under and by virtue of an Act made and passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called "The* Canada *Company," certain Lands in the Province of* Upper Canada, *and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto*, being constituted and appointed such Attornies by virtue and in pursuance of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], do hereby, in consideration of the Sum of to us as such Attornies as aforesaid paid, grant and release to all and all the Right, Title, and Interest of the said *Canada* Company to and in the same and every Part thereof, to have and to hold unto the said and his Heirs for ever.

(Signed) 'A. B.
'C. D.'

may revoke such Warrants of Attorney, and grant others.

II. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time, as Occasion may require, and as to them may seem meet, to revoke any such Warrant of Attorney or Instrument as aforesaid, and again to make and grant any other Warrant or Warrants of Attorney, Instrument or Instruments for the like Purpose, provided that such Warrants of Attorney or Instruments as aforesaid be not addressed to fewer than Two Persons, and be made to take effect only when and so long as the Persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said Company to appoint and commit to the Custody of such their Attornies for the Time being a Seal, for the Purpose of executing such Conveyance as aforesaid, and such Seal from Time to Time to break, alter, or renew, as to them may seem meet; and every Conveyance to be made and executed in manner aforesaid, by such Attornies for the Time being as aforesaid of the said Company, shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Conveyances not to be subject to Stamp Duty.

Seal of the Company affixed to any Deed to be sufficient Evidence of its Execution.

III. And be it further enacted, That Conveyances to be made by the said Company within the United Kingdom, in pursuance of the said Act, of Lands situate in *Upper Canada*, shall not be subject to any Duty of Stamps; and that the Seal of the said Company affixed to any Conveyance, Deed, or Instrument in Writing, or to any Memorial or Memorials thereof, for the Purpose of the Registration of the said Conveyance, Deed, or Instrument in Writing, in the proper Office for registering the same in *Upper Canada*, shall of itself be sufficient Evidence of the due Execution of such Conveyance, Deed, or Instrument in Writing, or the Memorial thereof, by the said Company, for all Purposes respecting the said Registration, and no further Evidence or Verification of such Execution, nor any Evidence or Verification of the Signatures of the Directors who shall attest the sealing of such Conveyance, Deed, or Instrument in Writing, or the Memorial thereof, shall be required for the Purpose of such Registry; any

any Law or Custom now in force in the said Province of *Upper Canada* notwithstanding.

Artificers, &c. may bind themselves to serve the Company for a certain Period.

IV. And be it further enacted, That it shall and may be lawful for any Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, not being under the Age of Seventeen Years, by Indenture duly executed, and without a Stamp, to contract with the said *Canada* Company faithfully to serve or to proceed to and faithfully to serve the said Company in the Province of *Upper Canada*, for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture; and it shall be lawful for the said Company, within any Part of His Majesty's Dominions, to maintain an Action against any Person or Persons who shall employ, retain, harbour, or conceal any such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with Intent to deprive the said Company, or any Agent of the said Company, of his, her, or their Services, or otherwise with Intent to defraud or injure the said Company or their Agents; and in case the said Company shall in any such Action recover a Verdict, they shall, in addition to the Damages found by such Verdict, or assessed under the same, recover and have Treble Costs.

Justices may impose Fine on Ill-behaviour of Artificers, &c.

V. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace in His Majesty's Dominions to punish by Fine not exceeding Fifty Pounds, or by Imprisonment not exceeding Three Calendar Months, or both, any wilful Violation of such Indentures as aforesaid, by any Ill-behaviour of such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, in such his or her Service or Employment as aforesaid; and also to hear and determine all Complaints, Differences, and Disputes, which shall happen and arise between any such Artificer, Clerk, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the said Company, or their Agents, and to make such Order or Award in every such Case as to such Justices shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made, or by Arrest of the Person, and Imprisonment not exceeding Three Calendar Months.

Act not to prevent His Majesty from altering the Letters Patent to the Company.

VI. And be it further enacted and declared, That nothing in this Act or in the said former Act of Parliament contained shall extend or be construed to extend to prevent His Majesty, His Heirs and Successors, from altering, amending, or adding to the Provisions of the said Letters Patent, by Letters Patent to be hereafter issued under the Great Seal, as to His Majesty, His Heirs and Successors, shall seem meet.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LII.

An Act for erecting a Chapel of Ease at *Killiney* in the Parish of *Monkstown* in the County and Diocese of *Dublin*, and for providing for the due Celebration of Divine Service therein.

[15th *July* 1828.]

WHEREAS the Parish of *Monkstown* in the County and Diocese of *Dublin* has of late Years become very populous, and a considerable Number of Inhabitants reside at *Killiney* in the said Parish, at a Distance of Two Miles and upwards from the Parish Church, which is not sufficiently large to accommodate the increasing Population of said Parish; and the Parishioners dwelling in the Neighbourhood of *Killiney* aforesaid are very much in need of a particular Place of Worship nearer their Homes, to which they may resort for the Service of God, at Morning and Evening Prayers, and for the Administration of the Sacrament of the Lord's Supper: And whereas it will much tend to the Advancement of Religion in the said Neighbourhood if the Want of a proper Place of Worship should be supplied, and a Chapel of Ease be erected for that Purpose upon a convenient Scite: And whereas the Cure of Souls in the Parish of *Monkstown* is in the Perpetual Curate thereof; and the said Curacy is appropriated to the Deanery of the Cathedral of the Holy and Undivided Trinity, commonly called *Christchurch*, in the City of *Dublin*, and the Patronage and Nomination thereof belong to the Dean of the said Cathedral: And whereas the Reverend

Charles Lindsay is the present Ecclesiastical Incumbent or Perpetual Curate of the said Parish: And whereas many Inhabitants of the said Parish have expressed an earnest Desire that said Chapel of Ease should be forthwith erected, and that it is in Contemplation to promote said Design by creating proper and sufficient Funds for the Purpose: And whereas the Most Reverend Father in God *William* Lord Archbishop of *Dublin* and Ordinary of the said Diocese, the Dean of *Christchurch* aforesaid, to whose Patronage and Nomination the said Benefice of *Monkstown* belongs, the said *Charles Lindsay* the present Curate or Ecclesiastical Incumbent thereof, and the Parishioners of the same, have respectively testified their Consent to the erecting of the said Chapel of Ease, and to the Endowment of a Chaplain in manner herein-after provided: And whereas the said Parish of *Monkstown* does not come within the Provisions and Operation of the several Statutes in force in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, for the promoting and regulating the building of Chapels of Ease in the Cases therein provided, and it is necessary to have special Provision for the same; and it is also necessary, for the Purposes aforesaid, that a Piece of Land should be set apart and appropriated in the Vicinity of *Killiney*, as a Scite for the said intended Chapel, and that there should be an Endowed Chaplain of the said Chapel; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Authorizing the Conveyance of Land for erecting a Chapel of Ease in Killiney.

That it shall and may be lawful for any Proprietor of any Ground within the said Parish of *Monkstown*, or any Part thereof, within the ancient Parish of *Killiney*, now forming a Part of the said Parish of *Monkstown*, notwithstanding any such Proprietor may be seised only for an Estate for Life or in Tail therein, to grant and convey to the Perpetual Curate or Minister of the said Parish of *Monkstown*, and his Successors, a sufficient Quantity of Ground, not exceeding One Acre *English* Statute Measure, for the Purpose of building, erecting, and making a Chapel of Ease, with all Buildings necessary thereto, in like Manner and as fully and effectually as Persons are authorized to grant or set out Ground for such or the like Purposes by any Law now in being, such Grant and Conveyance to be in Trust for the Inhabitants of the said Parish for ever; and that the said Perpetual Curate or Minister of the said Parish be and is hereby enabled to take such Grant and Conveyance, the Statute of Mortmain or any other Law to the contrary notwithstanding: Provided always, that if at any Time after the making of the said Grant and Conveyance of the said Ground, and before the building of the said Chapel, it shall be found necessary or convenient to change such Scite of the said intended Chapel, it shall be lawful for the said Perpetual Curate or Minister of the said Parish, with the Consent of the Ordinary of the Diocese, the Dean of *Christchurch*, and the Proprietor who shall or may have granted any Ground for the Scite for the said Chapel, to exchange such Ground so granted as a Scite for the same for any Ground of equal or greater Quantity in the Vicinity of *Killiney* aforesaid; which said Ground so given in exchange shall be conveyed to the said Incumbent for the Purposes aforesaid, and shall be and is hereby vested in the said Incumbent and his Successors, in like

Manner as the Ground originally granted would have been had it remained for the Purposes aforesaid.

When Scite has been chosen and granted, a Chapel of Ease to be erected under the Direction of the Lord Archbishop of Dublin.

II. And be it further enacted, That when and so soon as a proper Scite shall have been chosen and granted, in manner aforesaid, for the Place of the said intended Chapel, that then and as soon thereafter as conveniently may be, it shall and may be lawful for his Grace *William* Lord Archbishop of *Dublin*, or his Successors, Archbishops of *Dublin*, to erect or cause to be erected upon the Ground so given and conveyed for the Purposes aforesaid a Chapel of Ease, with all necessary Accommodations; which Chapel, when built, shall be consecrated, and shall be dependent upon the Mother Church of the said Parish of *Monkstown*, as a Parochial Chapel of Ease annexed to said Church; and it shall and may be lawful to celebrate the Morning and Evening Service of the United Church of *England* and *Ireland*, and to administer the Sacraments of Baptism and the Lord's Supper, and to preach the Word of God therein: Provided always, that nothing in this Act shall be construed to extend so as to endow the said Chapel with any Right, Privilege, or Liberty of a Parochial Church or independent District Chapel, or to authorize the Performance therein of the Service of Confirmation, Matrimony, and Burial of the Dead, or any or either of them, but that all such Services shall continue as before to be solemnized in the Parish Church only.

A Chaplain to be appointed.

III. And be it further enacted, That there shall be a Chaplain of the said Chapel, with constant and perpetual successive Chaplains, to be appointed, constituted, and endowed in manner herein-after provided, for the due Celebration of Divine Service and preaching the Word of God in the said Chapel; which said Chaplain and his Successors shall be subject to the Visitation and Power of the Ordinary of the Diocese, and the Laws and Canons Ecclesiastical, in like Manner as Chaplains with perpetual Succession usually are and of Right ought to be subject.

Endowment of the Chapel.

IV. And whereas it is necessary to make a Provision for the Endowment of the said Chaplaincy, and for the Maintenance of the Chaplain and his Successors; and that the Dean of *Christchurch* aforesaid, to whose Deanery the said Parish of *Monkstown* is appropriate, has proposed and is willing, as far as in him lies, and with the Consent of the Chapter of the said Cathedral, to give certain Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid at *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure, described in a certain Lease bearing Date the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and twenty-eight, and made between the Dean of *Christchurch* aforesaid of the one Part, and *Henry Lindsay* Esquire of the other Part, as Part Endowment of the said Chaplaincy, and to settle and convey the same to the Use of the first and other Chaplains thereof in Perpetuity; and *Henry Lindsay*, the Tenant in Possession of the said Land and Tenements, holding of the said Dean under the said Lease, has proposed and is willing to surrender his Lease and Interest in the same to the said Dean; be it therefore enacted, That it shall and may be lawful for the

the said Dean of *Christchurch*, and his Successors, Deans of *Christchurch*, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, the aforesaid Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid, of *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure as aforesaid, and for any other Proprietor of Land within the said Parish of *Monkstown*, notwithstanding such Proprietor may be seised only for an Estate for Life or in Tail therein, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, any Quantity of Land within the said Parish of *Monkstown*, or any of the ancient Parishes now forming the Parish of *Monkstown*, not exceeding Eight Acres *English* Statute Measure, in Trust and to and for the sole Use and Benefit of the first and other Chaplains to be constituted and appointed in manner herein-after provided; and that so soon as any Chaplain shall have been duly appointed under the Provisions of this Act, then and from thenceforth the said Lands and Tenements, with their Appurtenances, so granted or to be granted by the said Dean, and any other Proprietor of Ground in said Parish, to the Use of the said Chaplain, and all the Right, Title, and Interest therein of them the said Dean and such Proprietor as aforesaid, shall become vested in Possession in the said Chaplain and his Successors, Chaplains of the said Chaplaincy, for ever, and he and they shall thenceforth stand seised thereof in like Manner as if the said Grant and Conveyance or Grants and Conveyances had been made directly to themselves, any Statute of Mortmain or any other Law to the contrary notwithstanding: Provided, however, that nothing in this Act contained shall be construed to diminish, or in anywise affect, save as aforesaid, the Interest of any Tenant or Tenants of any of the Lands proposed to be conveyed, and now holding the same by virtue of any subsisting Demise under the said Dean or such Proprietor as aforesaid.

Lands to be conveyed to the Chaplain.

V. Provided always, and be it enacted, That in case a Chaplain shall have been duly constituted and appointed, pursuant to the Provisions of this Act, before the said Grants and Conveyances, or either of them, shall have been duly made and carried into Effect, then and in such Case it shall and may be lawful for the said Dean and such other Proprietor, or either of them, to convey the said Lands and Tenements, with their Appurtenances, and other Land, not exceeding Eight Acres *English* Statute Measure, in respect to such Proprietor, to such Chaplain and his Successors, to his and their own sole Use and Benefit; any Statute of Mortmain or other Law to the contrary notwithstanding.

Enabling Chaplain to grant Leases for a Term of Years.

VI. And whereas the Value of the said Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, proposed to be granted and conveyed by the said Dean to the Use and Benefit of the first and other Chaplains aforesaid in Perpetuity, would be much augmented and increased, if the said Chaplain and his Successors, Chaplains of the said Chaplaincy, were empowered by Law

to

to grant Leases of the same, so as to bind their Successors for a Term of Years; be it therefore enacted, That it shall be lawful for the said Chaplain and his Successors, when duly constituted and appointed in manner herein-after provided, with the Consent in Writing of the Archbishop of *Dublin* and the Dean of *Christchurch* aforesaid respectively for the Time being, to grant a Lease of said Lands and Tenements, with their Appurtenances, or of any Part thereof, for any Term of Years not exceeding Sixty Years from the Time of the Execution of such Lease, at the full improved yearly Value of said Lands and Tenements with their Appurtenances, without taking any Fine, or any other pecuniary Consideration whatsoever: Provided always, that if any Fine or other pecuniary Consideration should be taken by said Chaplain or his Successors, or if he should grant a Lease of said Lands and Tenements, with their Appurtenances, or any Part thereof, without the Consent in Writing of the said Archbishop of *Dublin* and the said Dean of *Christchurch* respectively for the Time being first had and obtained, in such Case, or in either of such Cases, the said Lease so granted shall be *ipso facto* void, without any Process or Judgment of Law.

Patronage of the Chaplaincy to be in the Perpetual Curate of Monkstown, who shall nominate the Chaplain.

VII. And be it further enacted, That the Patronage of the said Chaplaincy shall be in the Perpetual Curate of *Monkstown*, and his Successors; and that it shall and may be lawful for the said *Charles Lindsay*, the now Perpetual Curate of the said Parish of *Monkstown*, or his Successors, Perpetual Curates of the same, at any Time after the passing of this Act, to nominate to his Grace *William* Lord Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, a fit and proper Person, being a Priest in Holy Orders of the Established Church, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preference with Cure of Souls, to be licensed and appointed to the Chaplaincy of the said Chapel of *Killiney*; and that the said Chaplain, when so nominated, licensed, and appointed, shall be Perpetual Chaplain of said Chaplaincy, and shall officiate as such; and that then and thereafter, and so often as the said Chaplaincy shall become void by the Death, Resignation, or other Removal of any first or other Chaplain filling the same, it shall be lawful for the Perpetual Curate of said Parish of *Monkstown*, and his Successors, to nominate to the Archbishop of *Dublin* for the Time being a fit and proper Person, being a Priest in Holy Orders, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preferment with Cure of Souls, to be licensed and appointed as aforesaid, who shall thereafter and by virtue of such Nomination and Licence forthwith be entitled to officiate as Chaplain, and to take and receive to his own Use all the Fruits, Profits, Rents, and Emoluments whatsoever unto the said Chaplaincy belonging; and that the said Chapel, when built as provided, and the Chaplains thereof for the Time being, shall be for ever subject to the Visitation of the said Archbishop of *Dublin* and his Successors.

In case the Perpetual Curate shall omit to nominate a

VIII. Provided always, and be it enacted, That in case the said Perpetual Curate of *Monkstown* shall omit or neglect, for the Space of Three Calendar Months, to nominate a fit Person to the said Archbishop

Chaplain within a certain Time, the Archbishop of Dublin may.

bishop and his Successors, to be licensed and appointed as aforesaid, that then and in such Case it shall and may be lawful for the said Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, to appoint a Chaplain as in a Case of Lapse, and such Chaplain shall be the lawful Successor in the said Chaplaincy: Provided, however, that if any Chaplain shall die, resign, or be removed during any Vacancy of the said Perpetual Cure or Benefice of *Monkstown*, no Time running during such Vacancy shall be counted as a Lapse of the Right of Nomination to such Chaplaincy, or as any Part of the Period of Three Months constituting a Lapse, or as in any Manner defeating or running against the said Right of Patronage of the Incumbent of *Monkstown*, but that such Period of Time shall be counted only during the Plenarty of said Benefice or Appropriate Curacy of *Monkstown*, and begin to run only from the Time when the said Curacy or Benefice of *Monkstown* shall be full of a Curate or Incumbent.

Chaplaincy to be incorporated.

IX. And be it enacted, That the said Chaplain, and his Successors, Chaplains as aforesaid, shall be and they and each of them are and is hereby incorporated and made One Body Politic and Corporate, by the Name of Chaplains of the Chapel of *Killiney* in the Parish of *Monkstown*, and that they and every of them shall be capable to sue and be sued in all Courts and Places in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, and by such Name to take and receive any Lands, Tenements, or Property whatsoever, Real or Personal, not exceeding in the whole the clear yearly Value of Two hundred Pounds, by Gift, Grant, Devise, or otherwise, in Augmentation of the said Endowment, and to the Use and Behoof of them and their Successors for ever; and that the Trustees and Commissioners of the First Fruits of the several Benefices of *Ireland* may grant to the said Chaplain and Chaplains, and any of them in Succession, any Sum of Money out of the Funds vested in them for Public Purposes, either by way of Gift or Loan, for the enabling said Chaplain, or any succeeding Chaplain, to build a House of Residence, and also for the enabling him to purchase any Lands, Tenements, or Hereditaments, as an additional Endowment of the said Chaplaincy; and that the said Trustees and Commissioners may exercise all such Powers and Authority in favour of the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, as they are empowered to do in favour of any Perpetual Curate by any Law now in being; and that all Laws and Statutes now in force in that Part of the United Kingdom called *Ireland*, for and in relation to the Purchase, procuring, building, and improving on Glebes and Glebe Lands to be held, provided, and enjoyed by Perpetual Curates, shall be and are hereby enacted to extend to the said Chaplaincy of the Chapel of *Killiney*, and the Lands, Houses, and Improvements to belong and to be made, erected, and procured by the Chaplains of the said Chaplaincy for the Time being.

Chaplain to reside within the Parish of Monkstown.

X. And be it further enacted, That the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, shall reside within the Parish of *Monkstown*, and as near as conveniently may be to

to said Chapel when erected, and shall be bound to the Duty of Residence as any Perpetual Curates are by Law bound; and that if any such Chaplain shall at any Time be nominated and licensed or presented to any other Curacy, or presented, instituted, or collated to any Benefice or Ecclesiastical Preferment with Cure of Souls, then and in such Case the said Chaplaincy of the Chapel of *Killiney* aforesaid shall be *ipso facto* void, and the Acceptance of such Curacy, Preferment, or Benefice, shall be held to be and amount to a Resignation of the said Chaplaincy of *Killiney*, to which it shall be thereupon lawful for the Incumbent of *Monkstown* to nominate another fit Person as aforesaid to be licensed by the Archbishop; and in Failure of such Nomination within those Months from such Acceptance, to be counted and computed as aforesaid, it shall be lawful for the Archbishop to appoint the Chaplain as in a Case of Lapse as aforesaid; and such Chaplain, so appointed by the Archbishop, shall be the lawful Successor in the said Chaplaincy.

C—— sioners of First Fruits may advance Money for building the Chapel.

XI. And be it further enacted, That it shall and may be lawful for the Trustees and Commissioners of the First Fruits of the Benefice in *Ireland*, to give any Sum of Money which may appear to them proper and sufficient for the building and completing of the said intended Chapel of Ease at *Killiney* aforesaid, and to exercise for that Purpose all such Powers and Authority as are now vested in them, in respect of the building new Churches and Chapels in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Chapel, when completed, to be maintained and repaired at the Expence of the Parish of Monkstown.

XII. And be it further enacted, That the said Chapel of Ease, when built and completed, shall thenceforward be maintained and repaired, and found in all needful Things, at the Expence of the said Parish of *Monkstown*, in like Manner as other Parochial Chapels of Ease are maintained, repaired, and provided by the Laws and Statutes now in being; and that the Ordinary of the Diocese of *Dublin*, in which said Parish of *Monkstown* is situate, and the Minister and Churchwardens of the said Parish, and the Inhabitants of the same in Vestry assembled, shall have and exercise all such Powers, and be subject to all such Duties in respect of said Chapel, as in like Cases Ordinaries, Ministers, Churchwardens, and Vestries exercise or are subject to by any Law now in being, or by any Statute hereafter to be enacted, and particularly under and by virtue of a certain Statute made in the Seventh Year of His present Majesty, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in* Ireland. 7 G. 4. c. 72.

Act 2 G. 1. (I.) for Union and Divisions of Parishes.

XIII. And whereas by an Act made in the Parliament of *Ireland*, in the Second Year of the Reign of King *George* the First, intituled *An Act for the real Union and Division of Parishes*, it is (amongst other things) enacted, that all Acts of Parliament for the uniting or disuniting of particular Parishes or Parts of Parishes, or erecting particular Churches, shall be deemed as Public General Acts in all Courts and by all Persons, and that no Fees shall be taken by any Person or Persons for passing any such Act of Parliament: And whereas

Act to be a Public Act, and not to be subject to the Payment of Fees.

whereas it is expedient that the like Provision should be made in this Case; be it therefore enacted, That this present Act, is and shall be deemed a Public and General Act, and shall be judicially taken notice of as such in all Courts, and by all Judges, Justices, and others, without being specially pleaded; and that no Fees shall be paid or taken by any Person or Persons for passing the same.

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ANNO NONO

GEORGII IV. REGIS.

****

C A P. LIII.

An Act to repeal several Acts and Parts of Acts in force in *Ireland*, relating to Bail in Cases of Felony, and to certain Proceedings in Criminal Cases, and to the Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property.

[15th *July* 1828.]

WHEREAS it is expedient that Provisions should be made for the improving the Administration of Justice in *Ireland*, by amending the Laws in force there, relating to the Punishment of Felony, and to Bail in Cases of Felony, and to Examinations, Informations, and other Proceedings previous to Trial for Criminal Offences, and to Larceny, and other Offences of stealing, and to Burglary, Robbery, and Threats for the Purpose of Robbery or of Extortion, and to the Embezzlement of Property, and to the obtaining Property by false Pretences, and to the Receipt of stolen Property, and to malicious Injuries to Property; and it is therefore requisite that all existing Statutes and Acts, and Parts of Statutes and Acts, in force in *Ireland*, relating to the several Matters and Things aforesaid, and relating to the Benefit of Clergy, should be repealed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

6 G and

and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Statutes and Acts, and Parts of Statutes and Acts, herein-after mentioned, shall continue in force in *Ireland* until and throughout the Thirty-first Day of *August* One thousand eight hundred and twenty-eight, and no longer; and that from and after the said Thirty-first Day of *August* One thousand eight hundred and twenty-eight, the several Statutes and Acts, and Parts of Statutes and Acts, herein-after mentioned, specified, and set forth, shall cease and determine, and shall be repealed (except only so far as is herein-after excepted and provided for); that is to say, the several Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of *England*, herein-after specified and set forth, and which by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of King *Henry* the Seventh, intituled *An Act confirming all the Statutes made in* England, are in force in *Ireland*, namely, so much of a Charter or Statute made in the Ninth Year of the Reign of King *Henry* the Third, commonly called *Charta de Foresta*, as relates to the Punishment for taking the King's Venison; so much of a Statute made at *Westminster* in the Third Year of the Reign of King *Edward* the First, as relates to Clerks taken for guilty of Felony, and to Trespassers in Parks and Ponds; so much of the same Statute as provides what Prisoners shall not be replevisable, and what shall be so; a Statute made in the Twenty-first Year of the same Reign, intituled *Statutum de Malefactoribus in Parcis*; an Ordinance made in the Thirty-third Year of the Reign of King *Edward* the First, commonly called *An Ordinance for Inquests*; so much of a Statute made in the First Year of the Reign of King *Edward* the Third, as relates to Trespasses in the King's Forest of Vert and Venison; so much of a Statute made in the Twenty-fifth Year of the same Reign, intituled *Ordinatio pro Clero*, as relates to Clerks convicted of Treasons or Felonies, and to the Arraignment of Clerks; so much of a Statute made in the Thirty-fourth Year, and of another Statute made in the Thirty-seventh Year of the same Reign, as relates to Hawks; so much of a Statute made in the Seventh Year of King *Henry* the Fifth, as relates to those that forge or make untrue Charters or Muniments; so much of a Statute made in the Ninth Year of the same Reign, as relates to Indictments and Appeals in a non-existing Place; so much of a Statute made in the Eighth Year of the Reign of King *Henry* the Sixth, as relates to the Offences of stealing, taking away, withdrawing, or avoiding of any Record or other like Thing therein mentioned; so much of a Statute made in the Twenty-third Year of the same Reign, as relates to Sheriffs, and other Officers and Ministers therein mentioned, letting out of Prison upon Sureties any Person in Custody upon Indictment; so much of a Statute made in the Thirty-third Year of the same Reign, as relates to Servants taking and spoiling the Goods of their Masters after their Death; an Act passed in the First Year of the Reign of King *Richard* the Third, intituled *An Act for bailing of Persons suspected of Felony*; an Act passed in the First Year of the Reign of King *Henry* the Seventh, intituled *An Act against unlawful hunting in Forests and Parks*; so much of an Act passed in the Third Year of the same Reign, intituled *An Act that Justices of the Peace may take Bail*, as relates to Bail or Mainprize; an Act passed in the Fourth

From and after the 31st August 1828, recited Acts and Parts of Acts made in the Parliaments of England, Ireland, and the United Kingdom, repealed; viz.

English Acts.
9 H. 3. st. 2. c. 10.
3 Edw. I. c. 2. 15. & 20.
21 Edw. 1. st. 2.
33 Edw. I.
1 Edw. 3. st. 1. c. 8.
25 Edw. 3. st. 6. (vulgo st. 3.) c. 4, 5.
34 Edw. 3. c. 22.
37 Edw. 3. c. 19.
7 H. 5.
9 H. 5. st. 5. c. 1.
8 H. 6. c. 12. s. 3.
23 H. 6. c. 9.
33 H. 6. c. 1.
1 R. 3. c. 3.
1 H. 7. c. 7.
3 H. 7. c. 3.

Year of the same Reign, intituled *An Act to take away the Benefit of Clergy from certain Persons;* and also the following Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of *Ireland;* that is to say, an Act passed in the Third Year of the Reign of King *Edward* the Second, intituled *An Act to restrain great Lords from taking of Prises, Lodging, and Sojourning, against the Will of the Owner;* an Act passed in the Eighteenth Year of the Reign of King *Henry* the Sixth, intituled *An Act that no Lord or other shall charge the King's Subjects with Horses, Horsemen, or Footmen, without their good Wills; the Offender a Traitor;* an Act passed in the Thirty-fifth Year of the same Reign, intituled *An Act that every Man shall answer for the Offence of his Sons, as the Offender ought to do, saving Punishment of Death;* an Act passed in the same Thirty-fifth Year of the same Reign, intituled *An Act that Persons not amenable to the Law shall not enter, distrain, rob, threaten, or kill any Tenants for any Lands or Tenements, contrary to the Common Law, but shall first show their Title to the Governor and Council, and thereupon have Licence to distrain or enter in peaceable Manner;* an Act passed in the Fifteenth Year of the Reign of King *Edward* the Fourth, intituled *An Act prohibiting Distresses to be taken contrary to the Common Law;* an Act passed in the Tenth Year of the Reign of King *Henry* the Seventh, intituled *An Act that no Peace nor War be made with any Man without a Licence of the Governor;* an Act passed in the Thirteenth Year of the Reign of King *Henry* the Eighth, intituled *An Act for burning of Corn as well in Ricks in the Fields as in Villages and Towns;* an Act passed in the Twenty-eighth Year of the same Reign, intituled *An Act how Persons robbed shall be restored to their Goods;* an Act passed in the First Session of the Thirty-third Year of the same Reign, intituled *An Act that maketh it Felony to any Man to run away with his Master's Casket;* an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *Phillip* and Queen *Mary*, intituled *An Act that the Owners of Goods stolen may be restored thereunto;* an Act passed in the Session of Parliament holden in the Eleventh, Twelfth, and Thirteenth Years of the Reign of King *James* the First, intituled *An Act for the taking away of Clergy in certain Cases of Felonies, and for Deliverie of Clerakes Convict without Purgation*, save and except so far as the said Act relates to any felonious Rape or Ravishment; an Act passed in the Second Session of the Tenth Year of the Reign of King *Charles* the First, intituled *An Act appointing an Order to Justices of Peace, touching the Bailment, committing, and taking Examination of Prisoners, &c.;* an Act passed in the same Session, intituled *An Act for the Triall of Murders and Felonies committed in several Counties, &c.;* an Act passed in the same Session, intituled *An Act to avoyde and prevent diverse Misdemeanors in idle and lewd Persons in barking of Trees, &c.;* an Act passed in the Third Session of the same Year of the same Reign, intituled *An Act concerning Women convicted of small Felonies;* an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the same Reign, intituled *An Act for the limiting of peremptory Challenges in Cases of Treason and Felonies, &c.;* an Act passed in the same Years of the same Reign, intituled *An Act against ploughing by the Tayle, and*

4 H. 7. c. 13.
Irish Acts.
3 Edw. 2. c. 1.
18 H. 6. c. 3.
35 H. 6. c. 2.
35 H. 6. c. 3.
15 Edw. 4. c. 1.
10 H. 7. c. 17.
13 H. 8. c. 1.
28 H. 8. c. 10.
33 H. 8. st. 1. c. 5.
3 & 4 P. & M. c. 6.
11, 12, 13 J. 1. c. 3.
10 C. 1. st. 2. c. 18.
10 C. 1. st. 2. c. 19.
10 C. 1. st. 2. c. 23.
10 C. 1. st. 3. c. 16.
10 & 11 C. 1. c. 9.
10 & 11 C. 1. c. 15.

and pulling the Wooll off living Sheep; an Act passed in the same
10 & 11 C. 1. c. 17. Years of the same Reign, intituled *An Act to prevent the unprofitable Custom of burning of Corn in the Straw;* an Act passed in the Fifteenth
15 C. 1. c. 7. Year of the same Reign, intituled *An Act concerning Clergy;* an Act passed in the Ninth Year of the Reign of King *William* the
9 W. 3. c. 7. Third, intituled *An Act for taking away the Benefit of Clergy in some Cases;* so much of an Act passed in the Fourth Year of the Reign of
4 Ann. c. 11. s. 5. Queen *Anne*, intituled *An Act against Horse Stealing, and to prevent the buying and selling of stolen Horses, and for punishing all Accessaries to Felonies*, as relates to Buyers or Receivers of stolen Goods, or Accessaries to Felonies; so much of an Act passed in the Eighth Year
8 Ann. c. 8. s. 5, 6. of the same Reign, intituled *An Act for the encouraging the Discovery and apprehending of Housebreakers*, as relates to Buyers or Receivers of stolen Goods, or to Harbourers of Burglars or Thieves; an Act passed
9 Ann. c. 6. except s. 3. 8 & 9. in the Ninth Year of the same Reign, intituled *An Act for taking away the Benefit of Clergy in certain Cases, and for taking away the Book in all Cases, and for repealing Part of the Statute for transporting Felons*, save and except such Part thereof as relates to the Offence of having carnal Knowledge of any Female Child, or as relates to Witnesses; so much of an Act passed in the Ninth Year of the same
9 Ann. c. 11. s. 3. Reign, intituled *An Act to prevent the maiming of Cattle*, as makes any Offence therein mentioned a Felony; so much of an Act passed in
2 G. 1. c. 17. s. 19. the Second Year of the Reign of King *George* the First, intituled *An Act to empower Justices of the Peace to determine Disputes about Servants, Artificers, Day Labourers Wages, and other small Demands, and to oblige Masters to pay the same, and to punish idle and disorderly Servants*, as relates to the herein-before recited Act of the Thirty-third Year of the Reign of King *Henry* the Eighth; an Act passed in the Second Year of the Reign of King *George* the First, intituled
2 G. 1. c. 22. *An Act for making more effectual an Act, intituled 'An Act to prevent 'the maiming of Cattle;'* so much of an Act passed in the Fourth Year
4 G. 1. c. 4. s. 5 & 6. of the same Reign, intituled *An Act for the preserving of all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the Sixth
6 G. 1. c. 12. s. 3, 4, 5. Year of the same Reign, intituled *An Act for the better and more effectual apprehending and transporting Felons and others, and for continuing and amending several Laws made in this Kingdom for suppressing Tories, Robbers, and Rapparees*, as authorises the Punishment of Transportation instead of burning in the Hand or Whipping, and as relates to the Offence of taking Money or Reward for helping Persons to stolen Property; an Act passed in the First Year of the Reign of
1 G. 2. c. 24. King *George* the Second, intituled *An Act for preventing the embezzling of Goods under the Value of Forty Shillings by Servants, and the malicious Destruction of Engines and other Things belonging to Mines;* so much of an Act passed in the Third Year of the same
3 G. 2. c. 4. s. 2, 3 & 6. Reign, intituled *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and others*, as relates to the stealing or taking by Robbery of any Securities for Money therein enumerated; so much of an Act

passed

passed in the same Third Year of the same Reign, intituled *An Act to prevent unlawful Combinations of Workmen, Artificers, and Labourers, employed in the several Trades and Manufactures of this Kingdom, and for the better Payment of their Wages, as also to prevent Abuses in making of Bricks, and to ascertain their Dimensions*, as relates to the Offence of injuring or destroying any Goods, Wares, or Work; an Act passed in the Fifth Year of the same Reign, intituled *An Act for the more effectual punishing Stealers of Lead or Iron Bars fixed to Houses, or any Fences belonging thereunto*; an Act passed in the Seventh Year of the same Reign, intituled *An Act for the more effectual Discovery of Deer Stealers*; so much of an Act passed in the Seventeenth Year of the same Reign, intituled *An Act to amend and make more effectual the Laws to prevent the maiming, killing, and destroying of Cattle, and to prevent Frauds committed by Butchers dressing Meat for Sale*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year, intituled *An Act to take away the Benefit of Clergy from any Person that shall, by Night or by Day-time, feloniously and privately steal any Goods out of any Shop, Warehouse, Tan Yard, Drying House, Cellar, or Outhouse, though not adjoining to any Dwelling House, or off of Quays, and to encourage Persons to apprehend such Felons and other Robbers*, as makes any Offence therein mentioned a Felony; an Act passed in the Twenty-first Year of the same Reign, intituled *An Act for the more effectual Punishment of Assaults with Intent to commit Robbery*; so much of an Act passed in the Twenty-ninth Year of the same Reign, intituled *An Act to prevent unlawful Combinations of Tenants, Colliers, Miners, and others, and the sending of threatening Letters without Names, or with fictitious Names subscribed thereto, and the malicious Destruction of Carriages; and for the more effectual Punishment of wicked Persons who shall maliciously set fire to Houses or Outhouses, or to Stacks of Hay, Corn, Straw, or Turf, or to Ships or Boats*, as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year of the same Reign, intituled *An Act for promoting Public Credit*, as makes any Offence therein mentioned a Felony; an Act passed in the Thirty-first Year of the same Reign, intituled *An Act for the more effectual preventing Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Fustian, Cotton, Iron, Furr, Wollen, Mohair, and Silk Manufactures of this Kingdom; and for continuing and amending an Act made in the Seventh Year of His present Majesty's Reign, intituled 'An Act to prevent Frauds and Abuses in 'Bay Yarns exported to* Great Britain,' save and except so far as the said Act relates to Yarn; an Act passed in the Seventh Year of the Reign of King *George* the Third, intituled *An Act for the further Preservation of Woods and Timber Trees*; an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the same Reign, intituled *An Act for the more effectual proceeding against Persons standing mute on their Arraignment for Murder, Felony, or Piracy*; an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act for the encouraging the Cultivation and for the better Preservation of Trees, Shrubs, Plants, and Roots*, save and except such Part thereof as declares

3 G. 2. c. 14. s. 7.
5 G. 2. c. 10.
7 G. 2. c. 8.
17 G. 2. c. 5. s. 1, 2, 3.
17 G. 2. c. 6.
21 G. 2. c. 12.
29 G. 2. c. 12. s. 3, 4.
29 G. 2. c. 16. s. 3.
31 G. 2. c. 10. except s. 11 & 12.
7 G. 3. c. 23.
13 & 14 G. 3. c. 16.
15 & 16 G. 3. c. 26. (except s. 1, 3, & 5.)

declares what shall be deemed Timber Trees, and except so far as relates to any Certificates therein mentioned; an Act passed in the same Session of Parliament, intituled *An Act for the more effectual preventing the plundering of Ships or Vessels which may be wrecked or stranded on the Coasts of this Kingdom;* so much of an Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the same Reign, intituled *An Act to prevent Combinations, and for the further Encouragement of Trade,* as relates to breaking or entering by force into any House or Shop with any Intent in the said Act mentioned, and as relates to any wilful or malicious Injury to any Manufacture, or any Tools employed in the making thereof, or any Mill, Engine, or Device for the making or perfecting thereof, or to be employed therein; so much of an Act passed in the same Session of Parliament, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes,* as relates to Searches and Search Warrants for stolen Lambs; so much of an Act passed in the Session of Parliament holden in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act to amend the Laws for the Encouragement of planting Timber Trees,* as relates to any Conviction for a Second or Third Offence of cutting down, pulling up, barking, or otherwise destroying any Tree or Trees, or as relates to any Felony; an Act passed in the same Session of Parliament, intituled *An Act for the more easy Discovery and effectual Punishment of Buyers and Receivers of stolen Goods;* an Act passed in the same Session of Parliament, intituled *An Act for the Amendment of the Law in relation to the Salvage of Ships and Goods stranded or in danger of perishing at Sea,* save and except so far as relates to Salvage; an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act for the more effectual Punishment of Persons who shall attain or attempt to attain Possession of Money or Goods by false Pretences or by Threats;* and so much of an Act passed in the Twenty-seventh Year of the same Reign, intituled *An Act for directing the Application of the Funds granted by Parliament for promoting and carrying on Inland Navigation in this Kingdom, and for the Purposes therein mentioned,* as relates to any wilful and malicious Injury to any Works or Parts of any Canal or Inland Navigation; an Act passed in the same Year, intituled *An Act to prevent the stealing of Dogs;* an Act passed in the same Year, intituled *An Act to punish more effectually Persons who shall steal any old Lead, Iron Bars, or Rails, or Iron or Brass Knockers;* so much of an Act passed in the same Year, intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates,* as relates to any Injury to any Turnpike Gate, or to any other Thing therein mentioned; an Act passed in the Twenty-eighth Year of the same Reign, intituled *An Act for the better Preservation of Sheep, and the more speedy Detection of Sheep-stealers;* so much of an Act passed in the Thirty-first Year of the same Reign, intituled *An Act to amend an Act, intituled 'An 'Act to prevent the Practice of seducing Artificers and Manufacturers 'of this Kingdom, and of exporting the several Tools and Utensils made 'use of in preparing and working up the Manufactures thereof into 'Parts beyond the Seas,'* as relates to any Apprentice or other Person wilfully

15 & 16 G. 3. c. 33.
19 & 20 G. 3. c. 19. s. 5.
19 & 20 G. 3. c. 37. s. 5.
23 & 24 G. 3. c. 39. s. 17, 18.
23 & 24 G. 3. c. 45.
23 & 24 G. 3. c. 48. s. 1 to 4.
26 G. 3. c. 37.
27 G. 3. c. 30. s. 22.
27 G. 3. c. 34.
27 G. 3. c. 52.
27 G. 3. c. 53. s. 1.
28 G. 3. c. 37.
31 G. 3. c. 23. s. 3.

wilfully cutting, defacing, spoiling, or by Mismanagement or Neglect injuring any Work, or any Loom, Tool, or Materials; an Act passed in the Thirty-sixth Year of the same Reign, intituled *An Act to render Persons convicted of Petty Larceny competent Witnesses;* an Act passed in the same Year, intituled *An Act for the better Regulation of the Woollen and Cotton Manufactures;* and also the following Statutes and Acts, and Parts of Statutes and Acts, made in the Parliament of the United Kingdom; that is to say, so much of an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for the further Prevention of malicious shooting and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women; and also the malicious setting fire to Buildings; and also for repealing a certain Act made in* England *in the Twenty-first Year of the late King* James, *intituled* 'An Act to prevent the destroying 'and murdering of Bastard Children;' *and also an Act made in* Ireland *in the Sixth Year of the Reign of the late Queen* Anne, *also intituled* 'An Act to prevent the destroying and murdering of Bastard Children;' *and for making other Provisions in lieu thereof;* as relates to the setting fire to any of the Buildings therein enumerated; an Act passed in the same Year, intituled *An Act for making more effectual Provisions, within* Ireland, *for the Punishment of Offences in wilfully casting away, sinking, burning, or destroying Ships and Vessels, and for the more convenient Trial of Accessaries in Felonies;* so much of an Act passed in the same Year, intituled *An Act to prevent unlawful Combinations of Workmen, Artificers, Journeymen, and Labourers, in* Ireland, *and for other Purposes relating thereto,* as relates to wilfully damnifying, spoiling, destroying, selling, or otherwise disposing of any Goods, Wares, Work, or Materials; so much of an Act passed in the Forty-fourth Year of the same Reign, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another,* as relates to the Prosecution and Punishment of Persons for Theft or Larceny, and for receiving or having any stolen Property as therein mentioned; an Act passed in the Fifty-first Year of the same Reign, intituled *An Act to protect Masters against Embezzlements by their Clerks and Servants in* Ireland; an Act passed in the same Year, intituled *An Act to repeal so much of an Act passed in the Parliament of* Ireland *in the Third Year of the Reign of His present Majesty, intituled* 'An Act for the better Regulation of the 'Linen and Hemp Manufactures,' *as takes away the Benefit of Clergy from Felons convicted of stealing Cloth from Bleaching Grounds, and for more effectually preventing such Felonies;* so much of an Act passed in the Fifty-second Year of the same Reign, intituled *An Act for the extending the Laws for preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores, to* Ireland, as relates to an Act of the Twenty-second Year of King *Charles* the Second, for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as steal or embezzle His Majesty's Ammunition and Stores; an Act passed in the same Year of the same Reign, intituled *An Act for more effectually preventing*

36 G.3. c.29.

36 G.3. c. 45.

Acts of the United Parliament. 43 G.3. c.58. Part of s. 1.

43 G. 3. c. 79.

43 G. 3. c. 86. s. 8.

44 G. 3. c. 92. s. 7 & 8.

51 G. 3. c. 38.

51 G. 3. c. 39.

52 G. 3. c. 12. extending 22 Car. 2. c. 5.

52 G. 3. c. 63.

preventing

preventing the Embezzlement of Securities for Money and other Effects left or deposited for safe Custody or other special Purpose in the Hands of Bankers, Merchants, Brokers, Attornies, or other Agents; an Act
52 G. 3. c. 64. passed in the same Year, intituled *An Act for the extending the Provisions of an Act of the Thirtieth Year of King* George *the Second, against Persons obtaining Money by false Pretences, to Persons so obtaining Bonds and other Securities;* an Act passed in the same Year,
52 G. 3. c. 130. intituled *An Act for the more effectual Punishment of Persons destroying the Properties of His Majesty's Subjects, and enabling the Owners of such Properties to recover Damages for the Injury sustained;* an Act
56 G. 3. c. 73. passed in the Fifty-sixth Year of the same Reign, intituled *An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines;* an Act passed in the Fifty-eighth Year of the same
58 G. 3. c. 68. Reign, intituled *An Act to repeal so much of an Act passed in* Ireland *in the Ninth Year of the Reign of Queen* Anne, *intituled 'An Act for 'taking away the Benefit of Clergy in certain Cases, and for taking away 'the Book in all Cases, and for repealing Part of the Statute for 'transporting Felons,' as takes away the Benefit of Clergy from Persons stealing privily from the Person of another; and more effectually to prevent the Crime of Larceny from the Person;* an Act passed in the Fifty-ninth
59 G. 3. c. 27. Year of the same Reign, intituled *An Act to facilitate the Trial of Felonies committed on board Vessels employed on Canals, navigable Rivers, and Inland Navigations;* an Act passed in the same Year,
59 G. 3. c. 96. intituled *An Act to facilitate the Trial of Felonies committed on Stage Coaches and Stage Waggons and other such Carriages, and of Felonies committed on the Boundaries of Counties;* an Act passed in the First Year of the Reign of His present Majesty, intituled
1 G. 4. c. 56. *An Act for the summary Punishment in certain Cases of Persons wilfully or maliciously damaging or committing Trespasses on public*
1 G. 4. c. 102. *or private Property;* an Act passed in the same Year, for making general the Provisions of the herein-before recited Act of the Fifty-sixth Year of the Reign of King *George* the Third; an Act passed in the Session of Parliament holden in the First and Second
1 & 2 G. 4. c. 34. Years of His present Majesty's Reign, intituled *An Act to repeal so much of Two Acts made in the Parliament of* Ireland *in the Ninth Year of Queen* Anne, *and in the Seventeenth Year of King* George *the Second, as inflicts Capital Punishment on Persons guilty of stealing to the Amount of Five Shillings out of or from Shops, Warehouses, and other Outbuildings and Places, and to provide more suitable and effectual Punishment for such Offences;* an Act passed in the
3 G. 4. c. 24. Third Year of His present Majesty's Reign, intituled *An Act for extending the Laws against Receivers of stolen Goods to Receivers of stolen Bonds, Bank Notes, or other Securities for Money;* an
3 G. 4. c. 38. except s. 1. Act passed in the same Year, intituled *An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact of Grand Larceny, and certain other Felonies,* except as far as the said Act relates to Manslaughter; so much
3 G. 4. c. 114. of an Act passed in the same Year, intituled *An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour,* as relates to the Punishment of receiving stolen

Goods, and for obtaining any Property as therein mentioned by false Pretences; an Act passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to prevent the stealing of Records, Deeds, and Papers, in* Ireland; an Act passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for the Amendment of the Law as to the Offence of sending threatening Letters;* an Act passed in the same Year, intituled *An Act to amend Two Acts for removing Difficulties in the Conviction of Offenders stealing Property in Mines, and from Corporate Bodies;* so much of an Act passed in the Sixth Year of His present Majesty's Reign, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in Ireland,* as makes any Offence therein mentioned a Felony; so much of an Act passed in the same Year, intituled *An Act to alter and amend an Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements, in relation to Goods, Wares, or Merchandize entrusted to Factors or Agents,* as relates to any Misdemeanor therein mentioned; so much of an Act passed in the Seventh Year of His present Majesty's Reign, intituled *An Act to provide for the more effectual Punishment of certain Offences in* Ireland, *by Imprisonment with hard Labour,* as relates to Grand or Petty Larceny, or to receiving stolen Goods, or to false Pretences; an Act passed in the same Year, intituled *An Act to prevent the wilful and malicious Destruction of Dwelling Houses in* Ireland; an Act passed in the same Year, intituled *An Act to amend the Law in respect to the Offence of stealing from Gardens and Hothouses;* an Act passed in the Session of Parliament holden in the Seventh and Eight Years of His present Majesty's Reign, to explain and amend the herein-before recited Act of the Seventh Year of the Reign of His present Majesty, for preventing the wilful and malicious Destruction of Dwelling Houses in *Ireland;* and the said several herein-before recited Statutes and Acts, and Parts of Statutes and Acts, are hereby repealed accordingly, so far as relates to *Ireland,* or to Offences committed within the Jurisdiction of the Admiralty of *Ireland;* save and except so far as the said Statutes and Acts, or Parts of Statutes and Acts respectively, or any of them, may repeal the Whole or any Part of any other Act or Acts; and save and except as to Offences committed, and Punishments awarded, and other Matters done before or upon the said Thirty-first Day of *August* One thousand eight hundred and twenty-eight, which shall be dealt with, considered, and punished as if this Act had not been passed.

5 G. 4. c. 30.

6 G. 4. c. 19.

6 G. 4. c. 56.

6 G. 4. c. 42. s. 23.

6 G. 4. c. 94. s. 7, 8, 9, 10.

7 G. 4. c. 9.

7 G. 4. c. 60.

7 G. 4. c. 69.

7 & 8 G. 4. c. 32.

II. And be it further enacted, That all Acts and Parts of Acts continuing or perpetuating any of the Acts or Parts of Acts herein-before repealed, so far only as relates to such Continuation or Perpetuation, from and after the said Thirty-first Day of *August* One thousand eight hundred and twenty-eight, shall be and the same are hereby repealed.

Proviso as to continuing Acts, &c.

III. Provided always, and be it enacted, That nothing in this Act contained shall in anywise affect or alter such Part of any Act as relates to the Post Office, or to any Branch of the Public Revenue, or

Exceptions out of this Act.

to the Naval, Military, Victualling, or other Public Stores of His Majesty, or any Act relating to the Bank of *Ireland*; except so far as this Act repeals Part of an Act of the Fifty-second Year of King *George* the Third, relating to Naval, Ordnance, and Military Stores.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LIV.

An Act for improving the Administration of Justice in Criminal Cases in *Ireland*. [15th *July* 1828.]

WHEREAS it is expedient, with a View to improve the Administration of Justice in Criminal Cases in *Ireland*, to define under what Circumstances Persons may be admitted to Bail in Cases of Felony; and to make better Provisions for taking Examinations, Informations, Bailments, and Recognizances, and returning the same to the proper Tribunals; and to relax in some Instances the technical Strictness of Criminal Proceedings, so as to ensure the Punishment of the Guilty without depriving the Accused of any just Means of Defence; and to abolish the Benefit of Clergy and some Matters of Form which impede the due Administration of Justice; and to make better Provisions for the Punishment of Offenders in certain Cases: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person shall be taken on a Charge of Felony, or Suspicion of Felony, before One or more Justice or Justices of the Peace, and the Charge shall be supported by positive and credible Evidence of the Fact, or by such Evidence as if not explained or contradicted shall, in the Opinion of the Justice or Justices, raise a strong Presumption of the Guilt of the Person charged, such Person shall be committed to Prison by such Justice or Justices in the Manner herein-after mentioned; but if there shall be only One Justice present, and the whole Evidence given

Who may be admitted to Bail on a Charge of Felony, and who may not.

given before him shall be such as neither to raise a strong Presumption of Guilt, nor to warrant the Dismissal of the Charge, such Justice shall order the Person charged to be detained in Custody, and such Person shall be taken before Two Justices at the least; and where any Person so taken, or any Person in the first Instance taken before Two Justices of the Peace, shall be charged with Felony, or on Suspicion of Felony, and the Evidence given in support of the Charge shall, in the Opinion of such Justices, not be such as to raise a strong Presumption of the Guilt of the Person charged, and to require the Committal of such Person, or such Evidence shall be adduced on behalf of the Person charged as shall, in the Opinion of such Justices, weaken the Presumption of Guilt, but there shall, notwithstanding, appear to such Justices, in either of such Cases, to be sufficient Ground for judicial Enquiry into the Guilt of the Person charged, such Person shall be admitted to Bail by such Two Justices in the Manner herein-after mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear Evidence on behalf of any Person so charged as aforesaid, unless it shall appear to such Justice or Justices to be meet and conducive to the Ends of Justice to hear the same.

Justice not obliged to hear Evidence on behalf of Persons charged.

Before any Person charged with Felony, &c. shall be bailed or committed, the Justices shall take down the Examination, &c. and bind Witnesses to appear.

Power to summon Witnesses.

II. And be it enacted, That Two Justices of the Peace, before they shall admit to Bail, and One or more Justice or Justices, before he or they shall commit to Prison, any Person arrested for Felony or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and the Two Justices admitting to Bail shall certify the Bailment in Writing; and every such Justice shall have Authority to summon any Person within his Jurisdiction, whom he shall have reason to consider capable of giving material Evidence concerning any such Felony or Suspicion of Felony, and to examine such Person on Oath touching the same, and to bind by Recognizance all such Persons as know or declare any thing material touching any such Felony or Suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court at which the Trial of such Offence is intended to be had, then and there to prosecute and give Evidence against the Party accused; and such Justices and Justice respectively shall subscribe all such Examinations, Informations, Bailments, and Recognizances, and deliver or cause to be delivered the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court; and in case any Person so summoned shall refuse to submit to such Examination or to enter into such Recognizance, it shall be lawful for the Justice or Justices to commit such Person to the public Gaol of the County, City, or Town, until such Person shall submit to such Examination, or shall enter into such Recognizance, or be discharged by due Course of Law; provided that no such Examination shall subject the Party examined to any Prosecution or Penalty, or be given in Evidence against such Party, save on any Indictment for having committed wilful and corrupt Perjury in such Examination.

Examinations, &c. to be delivered to the Court.

Punishment of Party refusing to be examined.

Examination not to be Evidence against the Party, except as to Perjury.

Duty and Power of Justice on Charges of Misdemeanor.

III. And be it further enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, before he shall commit to Prison or require Bail from the Person so charged; and in every Case of Bailment shall certify the Bailment in Writing; and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like Manner as in Cases of Felony; and shall subscribe all Examinations, Informations, Bailments, and Recognizances, and deliver or cause to be delivered the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court, in like Manner as in Cases of Felony.

Duty and Power of Coroner on Inquests whereon Parties are indictable for Murder.

IV. And be it further enacted, That every Coroner, upon any Inquisition taken before him, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material; and shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching the said Manslaughter or Murder, or the said Offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other Court at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Courts may fine Justices and Coroners for Neglect, &c.

V. And be it further enacted, That if any Justice or Coroner shall neglect or offend in any thing contrary to the true Intent and Meaning of any of the Provisions of this Act, it shall be lawful for the Court to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, and such Court is hereby authorized and required, upon Examination and Proof of the Offence, in a summary Manner to set such Fine upon every such Justice or Coroner as the Court shall think meet.

Provisions to apply to all Justices and Coroners.

VI. And be it further enacted, That the Provisions of this Act relating to Justices and Coroners shall apply to the Justices and Coroners not only of Counties at large, but also of all other Jurisdictions.

Plea of Not guilty, without more, shall put the Prisoner on his Trial by Jury.

VII. And be it enacted, That whenever any Person, not having Privilege of Peerage, being arraigned upon any Indictment for Treason, Felony, or Piracy, shall plead thereto a Plea of Not guilty, such Person shall, by such Plea, without any further Form, be deemed to have put himself or herself upon the Country for Trial, and

and the Court shall, in the usual Manner, order a Jury for the Trial of such Person accordingly.

If Prisoner refuse to plead, Court may order Plea of Not guilty to be entered.

VIII. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute of Malice, or will not answer directly to the Indictment or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of Not guilty on behalf of such Person; and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

The King shall only challenge for Cause certain.

IX. And be it further enacted, That in all Inquests to be taken before any of the Courts in *Ireland*, wherein the King is a Party, howsoever it be, notwithstanding it be alleged by them that sue for the King that the Jurors of those Inquests, or some of them, be not indifferent for the King, yet such Inquests shall not remain untaken for that Cause; but if they that sue for the King will challenge any of those Jurors, they shall assign of their Challenge a Cause certain, and the Truth of the same Challenge shall be inquired of according to the Custom of the Court; and it shall be proceeded to the taking of the same Inquisitions, as it shall be found, if the Challenges be true or not, after the Discretion of the Court: Provided always, that nothing herein contained shall affect or be construed to affect the Power of any Court in *Ireland* to order any Juror to stand by until the Panel shall be gone through, at the Prayer of them that prosecute for the King, as has been heretofore accustomed; and that no Person arraigned for Treason or Murder, or for other Felony, shall be admitted to any peremptory Challenge above the Number of Twenty; and if any Person so arraigned for Treason or Murder, or for other Felony, shall peremptorily challenge more than Twenty, such excessive Challenge shall be rejected, and the Jurors so challenged beyond the Number of Twenty shall be sworn on the Inquest, and the Trial shall proceed as if such excessive Challenge had not been made or taken.

Courts may bid a Juror stand by.

Prisoner allowed 20 peremptory Challenges only in Felony.

Attainder not pleadable in Bar.

X. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in Bar of any Indictment, unless the Attainder be for the same Offence as that charged in the Indictment.

Jury shall not enquire of Prisoner's Lands, &c.

XI. And be it enacted, That where any Person shall be indicted for Treason or Felony, the Jury impannelled to try such Person shall not be charged to enquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Benefit of Clergy abolished.

XII. And be it enacted, That Benefit of Clergy with respect to Persons convicted of Felony shall be abolished; but that nothing herein contained shall prevent the Joinder in any Indictment of any Counts which might have been joined before the passing of this Act.

What Felonies only shall be Capital.

XIII. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the

the Benefit of Clergy before or on the First Day of the present Session of Parliament, or which hath been or shall be made punishable with Death by some Act passed after that Day.

Persons convicted of certain Felonies, after Punishment, declared competent Witnesses.

XIV. And be it enacted, That every Person convicted of a Felony which was not excluded from the Benefit of Clergy before or on the First Day of the present Session of Parliament, and which hath not been and shall not be made punishable with Death by any Statute passed after that Day, shall, after having suffered the Punishment awarded by the Court upon such Conviction, be a competent Witness.

Felonies, not capital, punishable under the Acts relating thereto, or according to this Act, by Transportation, &c.

XV. And be it enacted, That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Persons returning from Transportation punishable with Death as Felons, may be tried where found, &c.

XVI. And be it enacted, That if any Person heretofore sentenced or ordered, or hereafter to be sentenced or ordered, to be transported, or who shall have agreed or shall agree to transport or banish himself or herself on certain Conditions, either for Life or for any Number of Years, shall be afterwards at large within any Part of the United Kingdom, without some lawful Cause, before the Expiration of his or her Term of Transportation or Banishment, every such Offender shall be guilty of Felony, and shall suffer Death as a Felon; and every such Offender may be tried, either in the County or Place where such Offender shall be found at large, or in the County or Place at which such Sentence or Order of Transportation or Banishment was passed or made.

Allegation of Sentence, &c. of Transportation sufficient, without reference to Indictment.

XVII. And be it enacted, That in any Indictment or Information against any Offender for being found at large contrary to the Provisions of this Act, or of any other Act now in force or hereafter to be in force, whether such Offender shall have been tried before any Court or Judge within or without the United Kingdom, or before any Naval or Military Court Martial, it shall be sufficient to allege the Sentence or Order of Transportation or Banishment of such Offender, without alleging any Indictment, Information, Trial, Conviction, Judgment, or other Proceeding, or any Pardon or Intention of Mercy, or Signification thereof, of or against or in any Manner relating to such Offender.

Certificate of the Sentence of Transportation by the Clerk of the

XVIII. And be it enacted, That the Clerk of the Court, or other Officer having the Custody of the Records of the Court where any such Sentence or Order of Transportation or Banishment shall have been passed or made, or his Deputy, shall, at the Request of any Person

Court sufficient Evidence, &c.

on behalf of His Majesty, make out and give a Certificate in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of any Indictment, Information, and Conviction of such Offender, and of the Sentence or Order for his or her Transportation or Banishment, (not taking for the same more than the Sum of Six Shillings and Eight-pence,) which Certificate shall be sufficient Evidence of the Conviction and Sentence or Order for the Transportation or Banishment of such Offender; and every such Certificate, if made by the Clerk or Officer of any Court in *Ireland*, or by his Deputy, shall be received in Evidence upon Proof of the Signature of the Person signing the same; and every such Certificate, if made by the Clerk or Officer of any Court out of *Ireland*, shall be received in Evidence, if verified by the Seal of the Court, or by the Signature of the Judge or of one of the Judges of such Court, without further Proof.

The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

XIX. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and also to direct that the Offender shall be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment, or with such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

On Conviction of Felony of a Person under Sentence for a former Crime, the Court may pass a second Sentence, to commence after the Expiration of the first.

XX. And be it enacted, That whenever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence, either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Punishment for Felony (not capital) committed subsequent to a previous Conviction for Felony, Transportation, &c.

XXI. And whereas it is expedient to provide for the more exemplary Punishment of Offenders who commit Felony after a previous Conviction for Felony, whether such Conviction shall have taken place before or after the Commencement of this Act; be it therefore enacted, That if any Person shall be convicted of any Felony not punishable with Death, committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment; and in any Indictment for any such Felony committed after a previous Conviction for Felony,

Form of Indictment for the sub-

it shall be sufficient to state, that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate, containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Six Shillings and Eight-pence, and no more, shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Clerk, Officer, or Deputy shall utter any false Certificate of any Indictment and Conviction for a previous Felony, or of any Sentence or Order of Transportation or Banishment, or if any Person, other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk, Officer, or Deputy, or shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be Once, Twice, or Thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

sequent Felony.

Proof of the first Conviction by Certificate of Clerk of the Court.

Uttering a false Certificate of Conviction, Felony, punishable by Transportation.

XXII. And be it enacted, That all Offences prosecuted in the High Court of Admiralty of *Ireland* shall upon every first and subsequent Conviction be subject to the same Punishment, whether of Death or otherwise, as if such Offences had been committed upon the Land.

Admiralty Offences.

XXIII. And, for the more effectual Prosecution of Accessories before the Fact to Felony, be it enacted, That if any Person shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Person so counselling, procuring, or commanding, shall be deemed guilty of Felony, and may be indicted and convicted as an Accessory before the Fact to the principal Felony, either together with the principal Felon, or after the Conviction of the principal Felon; or may be indicted for and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as an Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the principal Felony, although such Offence may have been committed, either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without; and in case the principal Felony shall have been committed within the Body of any County, and

Accessory before the Fact may be tried as such, or as a substantive Felon, by any Court which has Jurisdiction to try the principal Felon, although the Offence be committed on the Seas or Abroad.

If the Offences be committed in

different Counties, Accessory may be tried in either.

and the Offence of counselling, procuring, or commanding shall have been committed within the Body of any other County, the last-mentioned Offence may be inquired of, tried, determined, and punished in either of such Counties: Provided always, that no Person who shall be Once duly tried for any such Offence, whether as an Accessory before the Fact, or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

XXIV. And for the more effectual Prosecution of Accessories after the Fact to Felony, be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Offence of such Person may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason whereof such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed, either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony shall have been committed within the Body of any County, and the Act by reason whereof any Person shall have become Accessory shall have been committed within the Body of any other County, the Offence of such Accessory may be inquired of, tried, determined, and punished in either of such Counties: Provided always, that no Person who shall be Once duly tried of any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

If the Offences be committed in different Counties, Accessory may be tried in either.

Accessory may be prosecuted after Conviction of the Principal, though the Principal be not attainted, &c.

XXV. And in order that all Accessories may be convicted and punished in Cases where the principal Felon is not attainted, be it enacted, That if any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die, or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall suffer the same Punishment, if such Accessory be in anywise convicted, as such Accessory should have suffered if the Principal had been attainted.

Offences committed on the Boundaries of Counties may be tried in either County.

XXVI. And for the more effectual Prosecution of Offences committed near the Boundaries of Counties, or partly in one County and partly in another, be it enacted, That where any Felony or Misdemeanor shall be committed on the Boundary or Boundaries of Two or more Counties, or within the Distance of Five hundred Yards of any such Boundary or Boundaries, or shall be begun in one County and completed in another, every such Felony or Misdemeanor may be dealt with, inquired of, tried, determined, and punished in any of the said Counties, in the same Manner as if it had been actually and wholly committed therein.

Offences committed during a Journey or

XXVII. And for the more effectual Prosecution of Offences committed during Journies from Place to Place, be it enacted, That where any Felony or Misdemeanor shall be committed on any Person, or on or

in

in respect of any Property, in or upon any Coach, Waggon, Cart, or other Carriage whatever, employed in any Journey, or shall be committed on any Person, or on or in respect of any Property, on board any Vessel whatever employed in any Voyage or Journey upon any navigable River, Canal, or inland Navigation, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined, and punished in any County through any Part whereof such Coach, Waggon, Cart, Carriage, or Vessel shall have passed in the Course of the Journey or Voyage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually committed in such County; and in all Cases where the Side, Centre, or other Part of any Highway, or the Side Bank, Centre, or other Part of any such River, Canal, or Navigation, shall constitute the Boundary of any Two Counties, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined, and punished in either of such Counties through or adjoining to or by the Boundary of any Part whereof such Coach, Cart, Waggon, Carriage, or Vessel shall have passed in the Course of the Journey or Voyage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually committed in such County.

Voyage, may be tried in any County through which the Coach, &c. passed.

When Sides, &c. of Highway constitute Boundary, Offender may be tried in either County.

XXVIII. And in order to remove the Difficulty of stating the Names of all the Owners of Property, in the Case of Partners and other Joint Owners, be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named and another or others, as the Case may be; and whenever in any Indictment or Information for any Felony or Misdemeanor it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

In Indictments for Offences committed on the Property of Partners, it may be laid in any one Partner by Name, and others.

XXIX. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor committed in, upon, or with respect to any Church, Chapel, or Place of Religious Worship, or to any Bridge, Court, Court House, Sessions House, Gaol, House of Correction, Infirmary, Asylum, or other public Building, erected or maintained in whole or in part at the Expence of any County, County of a City, or County of a Town, or on or with respect to any Goods or Chattels whatsoever, provided for or at the Expence of any County, County of a City, or County of a Town, to be used for making, altering, or repairing any Bridge or Highway, or any Court or other such Building as aforesaid, or to be used in or with any such Court or other Building, it shall not be necessary to state such Church, Chapel, or Place of Religious Worship, or such Bridge, Court, Court House, Sessions House, Gaol, House of Correction, Infirmary, Asylum,

In Indictments for Felonies, &c. relating to Churches, Bridges, or Public Buildings, Property need not be stated as being in any Person.

or other Building, or any such Goods or Chattels, to be the Property of any Person.

Indictments shall not be abated by dilatory Plea of Misnomer, or of Want of Addition, &c.

XXX. And for preventing Abuses from dilatory Pleas, be it enacted, That no Indictment shall be abated by reason of any dilatory Plea of Misnomer, or of Want of Addition or of wrong Addition, of any Party offering such Plea, if the Court shall be satisfied, by Affidavit or otherwise, of the Truth of such Plea; but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What Defects shall not vitiate an Indictment after Verdict, or otherwise.

XXXI. And in order that the Punishment of Offenders may be less frequently intercepted in consequence of technical Niceties, be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether after Verdict or Outlawry, or by Confession, Default, or otherwise, shall be stayed or reversed for want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the Record," or of the Words "with Force and Arms," or of the Words "against the Peace," nor for the Insertion of the Words "against the Form of the Statute" instead of the Words "against the Form of the Statutes," or *vice versâ*, nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by a Name of Office or other descriptive Appellation instead of his, her, or their proper Name or Names, nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened, nor for Want of a proper or perfect Venue where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

Certain formal Defects shall not stay or reverse Judgment after Verdict.

XXXII. And be it further enacted, That no Judgment after Verdict upon any Indictment or Information for any Felony or Misdemeanor shall be stayed or reversed for want of a Similiter, nor by reason that the Jury Process has been awarded to a wrong Officer upon an insufficient Suggestion, nor for any Misnomer or Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged shall be an Offence theretofore created by any Statute, or subjected to a greater Degree of Punishment, or excluded from the Benefit of Clergy, by any Statute, the Indictment or Information shall after Verdict be held sufficient, if it describe the Offence in the Words of the Statute creating the Offence or prescribing the Punishment or excluding the Offender from the Benefit of Clergy.

Effect of a free or conditional Par-

XXXIII. And be it declared and enacted, That where the Royal Mercy shall be extended to any Offender convicted of any Felony punishable

able with Death or otherwise, and either a free Pardon or a conditional Pardon shall by Warrant in due Form be granted to such Offender, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the Case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon. don to a Convict.

XXXIV. And whereas the Practice of indiscriminately estreating Recognizances for the Appearance of Persons to prosecute or give Evidence, or to answer for a common Assault, or in the other Cases herein-after specified, has been found in many Instances productive of Hardship to Persons who have entered into such Recognizances; be it therefore enacted, That in every Case where any Person bound by Recognizance for his or her Appearance (or for whose Appearance any other Person shall be so bound) to prosecute or give Evidence in any Case of Felony or Misdemeanor, or to answer for any common Assault, or to Articles of the Peace, shall therein make Default, the Officer of the Court by whom the Estreats are made out shall, and such Officer is hereby required to prepare a List in Writing, specifying the Name of every Person so making Default, and the Nature of the Offence in respect of which every such Person, or his or her Surety, was so bound, together with the Residence, Trade, Profession, or Calling of every such Person and Surety, and shall in such List distinguish the Principals from the Sureties, and shall state the Cause, if known, why each such Person has not appeared, and whether, by reason of the Non-appearance of such Person, the Ends of Justice have been defeated or delayed; and every such Officer shall, and such Officer is hereby required, before any such Recognizances shall be estreated, to lay such List, if at a Court of Oyer and Terminer or Gaol Delivery in any County, before one of the Justices of those Courts respectively, and if at a Court wherein a Recorder or other Corporate Officer is the Judge or one of the Judges, before such Recorder or other Corporate Officer, and if at a Session of the Peace, before the Assistant Barrister or Two other Justices of the Peace who shall have attended such Court, who are respectively authorized and required to examine such List, and to make such Order touching the estreating or putting in Process any such Recognizance as shall appear to them respectively to be just; and it shall not be lawful for the Officer of any Court to estreat or put in Process any such Recognizance without the written Order of the Justice, Recorder, Corporate Officer, Assistant Barrister, or Justices of the Peace before whom respectively such List shall have been laid. Recognizance in certain Cases not to be estreated without a Judge's Order.

XXXV. And be it enacted, That wherever in this Act, or in any other Act relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence, or the Subject Matter on or with respect to which it shall be committed, or Rule for the Interpretation of this and all Criminal Statutes.

or the Offender or the Party affected or intended to be affected by the Offence, any Word or Words have been or shall be used or employed, importing the Singular Number or the Masculine Gender only, every such Act shall be understood to include several Matters of the same Kind as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is or shall be made payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Commencement of this Act.

XXXVI. And be it enacted, That this Act shall commence and take effect on the First Day of *September* One thousand eight hundred and twenty-eight, and that it shall extend only to that Part of the United Kingdom called *Ireland*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV REGIS.

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C A P. LV.

An Act for consolidating and amending the Laws in *Ireland* relative to Larceny, and other Offences connected therewith. [15th *July* 1828.]

WHEREAS in the last Session of Parliament an Act was passed for consolidating and amending the Laws in *England* relative to Larceny, and other Offences connected therewith; and it is expedient that Provision should be made in *Ireland* for the like Purposes: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this present Act, and the several Matters herein contained, shall extend to *Ireland*, and not to *England*, *Wales*, or *Scotland*, except in the Two Cases herein-after specially provided for; and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-eight.

Act to extend to Ireland only, and shall commence on 1st Sept. 1828.

II. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished, and every Larceny (whatever be the Value of the Property stolen) shall be deemed to be of the same Nature, and shall be subject to the same Incidents in all respects, as Grand Larceny was before the Commencement of this Act; and every

Distinction between Grand and Petty Larceny abolished; all Larceny

shall be considered as Grand Larceny.

every Court whose Power as to the Trial of Larceny was before the Commencement of this Act limited to Petty Larceny, shall have Power to try every Case of Larceny the Punishment of which cannot exceed the Punishment herein-after mentioned for Simple Larceny, and also to try all Accessories to such Larceny.

Punishments for Simple Larceny, or Felony punishable as such.

III. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the Cases herein-after otherwise provided for) be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

For all Offences under this Act hard Labour or solitary Confinement may be added to Imprisonment.

IV. And be it enacted, That in all Cases whenever any Person shall be convicted of any Felony, Crime, Misdemeanor, or indictable Offence punishable under this Act, for which Imprisonment may be awarded, with or without any other Punishment, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and it shall also be lawful for such Court to direct that the Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

Stealing public or private Securities for Money, or Warrants for Goods, &c. Felony, punishable, according to the Circumstances, as stealing Goods.

V. And be it enacted, That if any Person shall steal any Tally, Order, Exchequer Acquittance, or other Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate lawfully acting as a Company or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever, for Money or for Payment of Money, whether of the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, or of any Foreign State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony of the same Nature and in the same Degree, and punishable in the same Manner, as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or of like Value with the Money due on the Security so stolen, or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents herein-before enumerated shall throughout this Act be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

Rule of Interpretation.

Robbery from the Person, Felony, with Death.

VI. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such

Offender, being convicted thereof, shall suffer Death as a Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to rob him, or shall with Menaces or by Force demand any such Property of any other Person, with Intent to steal the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Stealing from the Person, or assaulting or menacing with Intent to rob, &c. Felony, with Transportation, &c.

VII. And be it enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from him, and shall by intimidating him by such Accusation or Threat extort or gain from him, any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

VIII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing demanding of any Person, with Menaces, and without any reasonable or probable Cause, any Chattel, Money, or valuable Security, or if any Person, with a View or Intent to extort or unlawfully gain any Money or Chattel or valuable Security, shall accuse or threaten to accuse, or shall knowingly send or deliver, or directly or indirectly cause to be received, any Letter or Writing accusing or threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as herein-after defined, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Sending Letters containing menacing Demands, or threatening to accuse a Party of an infamous Crime, to extort Money, &c.

IX. And for defining what shall be an infamous Crime within the Meaning of this Act, be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

What shall be deemed an infamous Crime.

X. And be it enacted, That if any Person shall break and enter any Church, Meeting House, Chapel, or other Place of Divine Worship,

Stealing in or from a Church,

with breaking in or out, Felony, with Death.

Worship, and shall steal therein or therefrom any Chattel, or having stolen any Chattel in or from any Church, Meeting House, Chapel, or other Place of Divine Worship, shall break out of the same, every such Offender, being convicted thereof, shall suffer Death as a Felon.

Burglary, Felony, with Death.

XI. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House, shall commit any Felony, and shall in either Case break out of the said Dwelling-House in the Night-time, such Person shall be deemed guilty of Burglary.

Housebreaking, and stealing in a House.

XII. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security to any Value whatever, or shall steal any such Property to any Value whatever in any Dwelling House, any Person therein being put in fear, or shall steal in any Dwelling House any Chattel, Money, or valuable Security to the Value in the whole of Five Pounds or more, every such Offender, being convicted thereof, shall in any of such Cases suffer Death as a Felon.

No Buildings deemed Part of a House for aforesaid Purposes, unless directly communicating.

XIII. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other.

Robbery in any Building within the same Curtilage, but not privileged as Part of the House, Transportation, &c.

XIV. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof, according to the Provisions herein-before mentioned, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that a Conviction for such Offence as herein last mentioned may be had either upon an Indictment for such Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Five Pounds in a Dwelling House, containing a Count or Counts for such Offence; and that in case of such latter Indictment the Prosecutor shall be permitted to proceed upon the Whole or any Part of such Indictment, without being put to any Election, before the Trial of such Offender, to proceed upon any one or more of the Counts in such Indictment.

Form of Indictment in such Case.

XV. And

XV. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting House, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment. Robbery in a Shop, Warehouse, &c. Transportation, &c.

XVI. And be it enacted, That if any Person shall steal to the Value of Five Shillings any Linen, Hempen, or Cotton Yarn, or any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment. Stealing certain Goods in Process of Manufacture, Transportation, &c.

XVII. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek or Basin belonging to or communicating with any such Port, River, or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, Creek, or Basin, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment. Stealing Goods from a Vessel in a Port, River, or Canal, &c. or from Wharfs, Transportation, &c.

XVIII. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided always, that when Articles of small Value shall be stranded or cast on Shore, and shall be stolen without Circumstances of Cruelty, Outrage, or Violence, it shall be lawful to prosecute and punish such Offender as for Simple Larceny; and in either Case the Offender may be indicted and tried either in the County in which, or in any County next adjoining the Place in which the Offence shall have been committed. Plundering any Part of the Tackle or Cargo of a shipwrecked Vessel, Felony, with Death.

XIX. And be it enacted, That if any Goods, Merchandize, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, Persons in possession of shipwrecked Goods, not

giving a satisfactory Account, shall pay a Penalty not exceeding 50*l.*

stranded, or cast on Shore as aforesaid, shall, by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, and the Offender, on Conviction of such Offence before any Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Fifty Pounds, as to such Justices shall seem meet.

Shipwrecked Goods offered for Sale may be seized, and ordered by a Justice to be restored to the Owner, paying Salvage.

XX. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected to have been taken from any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Person having offered such Goods, Merchandize, or Articles for Sale, shall, on Conviction of such Offence before any Two Justices of the Peace, forfeit and pay the Amount of such Reward so ordered, and also such Sum of Money, not exceeding Thirty Pounds, as to such Two Justices shall seem meet.

Penalty on Person offering Goods for Sale.

Stealing, &c. of Records and other Proceedings of Courts of Justice, Misdemeanor, punishable by Transportation, &c.

XXI. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever, or any Part of any such Document, of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court, or any Part thereof respectively, or any original Document, or Part of any original Document, in anywise relating to or concerning the Business of any Person or Persons holding any Office or Employment under His Majesty, and remaining or deposited for safe Custody in any Office appertaining to any Court of Justice, or in His Majesty's Castle of *Dublin*, or in any of His Majesty's Custom Houses, Post Offices, or other Public Offices in *Ireland*, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof,

thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or by both, as the Court shall award; and it shall not be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that the Article in respect of which the Offence is charged to have been committed is the Property of any Person, or that the same is of any Value, nor shall it be the Subject of Inquiry at the Trial of any such Offence, whether the Thing charged to have been stolen is or is not of any intrinsic Value.

Stealing of Wills, a Misdemeanor, punishable by Transportation, &c.

XXII. And be it enacted, That if any Person shall, either during the Life or after the Death of any Testator or Testatrix, steal, or shall for any fraudulent Purpose destroy or conceal, any Will or Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or both, as the Court shall award; and it shall not be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that such Will or Codicil, or other Instrument, is the Property of any Person, or that the same is of any Value, nor shall it be a Subject of Inquiry at such Trial whether the same is or is not of any intrinsic Value.

Stealing of Writings relating to Real Estate.

XXIII. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being or containing Evidence of the Title, or of any Part of the Title, to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or both, as the Court shall award; and in any Indictment for such Offence, it shall be sufficient to allege the Thing charged to have been stolen to be or to contain Evidence of the Title or of Part of the Title of the Person, or of some one of the Persons, having an Interest, whether vested, contingent, legal, or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof; and it shall not be necessary to allege or prove the Thing charged to have been stolen to be of any Value, nor shall it be inquired into at the Trial what the Value thereof is, or whether the same is or is not of any intrinsic Value.

Provisions as to Wills, &c. shall not lessen any other Remedy.

Conviction shall not be Evidence in Actions against Offender.

XXIV. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors last aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy, at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against such Offender: Provided

Offender shall not be convicted by Evidence disclosed by himself.

Provided also, that no Person shall be liable to be convicted of either of the Misdemeanors last aforesaid, in respect of any Act done by him, by any Evidence disclosed by him in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

Stealing Horses, Cows, Sheep, &c. Felony with Death.

XXV. And be it enacted, That if any Person shall steal any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Steer, Bullock, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, or shall wilfully kill any of such Cattle, with Intent to steal the Carcase or Skin or any Part of the Cattle so killed, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon:

Persons convicted of stealing Cows, &c. not exceeding Two, or Calves, Sheep, &c. not exceeding Ten, may, on Recommendation of Grand Jury, be transported.

Provided always, that where any Person shall be convicted of stealing any One Cow, Bull, Ox, Steer, Bullock, or Heifer, or any Number of Cows, Bulls, Oxen, Steers, Bullocks, or Heifers, not exceeding Two, or of stealing any One Calf, Sheep, or Lamb, or any Number of Calves, Sheep, or Lambs, not exceeding Ten, on all the Indictments which shall be preferred against such Person at one and the same Assizes, or Sessions of Oyer and Terminer, or in the same Term, in the Court of King's Bench, in case the Court shall, upon the Application of the Grand Jury at the said Assizes, or Sessions, or Term, by Presentment in Writing for that Purpose, think any such convicted Person a fit Object of Mercy, then such convicted Person, instead of the Punishment aforesaid, shall and may be transported beyond the Seas for Life, or for such Term of Years as the Court shall think proper: Provided always, that nothing herein contained shall affect the Power of the Court (in any Case where a Grand Jury shall not make such Application) to order Sentence of Death to be recorded, under the Provisions of an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.*

4 G. 4. c. 48.

Stealing, &c. Deer in any inclosed Ground, Forfeiture of 30*l.*

XXVI. And be it enacted, That if any Person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, every such Offender shall for every such Offence, upon Conviction thereof before any Two Justices of the Peace, forfeit any Sum not exceeding Thirty Pounds.

Penalty on suspected Persons found in Possession of Venison, &c. 20*l.*

XXVII. And be it enacted, That if any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall, by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person being carried before a Justice of the Peace shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or that he had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty

served, Ten clear Days before the Commencement of such Sessions, upon One of the Overseers of the Poor, or the Tithingman or Constable, or Two substantial Housekeepers of the Parish, Tithing, Township, or Place respectively, as the Case may be, wherein such Petitioner or Petitioners shall be resident at the Time of presenting such Petition, and also lodged, Twenty clear Days before such Commencement, at the Office of the Clerk of the Peace, who shall and he is hereby required forthwith to transmit a Copy thereof to each of the Justices usually acting within or for the District or Places or Place named in such Notice.

Order to be enrolled as soon as Petitions against the same have been determined, and shall not be subject to Alteration for 10 Years.

X. And be it further enacted, That so soon as all such Petitions against such Order shall have been determined, and such Amendments made therein as shall have appeared necessary or proper, the Justices at such Quarter Sessions shall cause to be inserted therein some Day not earlier than One Month after such Sessions from which the same shall take effect, and shall cause the same Order to be enrolled, and the same shall remain an Order of Sessions, controlling any Order or Orders of Sessions heretofore made for the separate Constitution of any new Divisions, or the partial Alteration of any accustomed Divisions, under the former Provisions of this Act, and not subject itself to Revocation or Alteration of any kind for the Space of Ten Years thence next ensuing; and during such Ten Years no such Statement shall be received or Proceedings had thereon as above-mentioned, but during all that Time, and until further Order of Sessions after the Expiration of that Time, the several Divisions, as limited, modelled, or constituted in and by such Order, shall be and be taken to be, for all the Purposes in this Act mentioned, the lawful Divisions of such County, Riding, or Division, having such separate Commission of the Peace, for the Meetings of Justices in Special Sessions, under any Statute now in force, or hereafter to be made, and containing no special Provision to the contrary; and all Bailiffs, Constables, Tithingmen, Surveyors, Overseers of the Poor, and other Officers, Publicans, Keepers of Taverns, Coffee Houses, and Victualling Houses, and other Persons, shall and they are hereby required thenceforward, during the Time last above limited, to give their Attendance to and upon the Justices of the Peace at any Time assembled in such Special Sessions, within the same Divisions respectively, as fully and effectually as by Law they have been bound to do within any Division reputed and taken before the passing of this Act to be a lawful and accustomed Division for the Meetings of Justices for any of the Purposes aforesaid.

Clerk of Peace to publish Copy of Enrolment.

XI. And be it further enacted, That immediately after the Enrolment of such Order, the Clerk of the Peace shall and he is hereby required to cause to be published a Copy of the same in Three successive Numbers of One or more such weekly Newspapers as aforesaid, and shall also transmit One Copy thereof to each Justice of the Peace dwelling within or usually acting within and for such County, Riding, or Division, having such separate Commission of the Peace.

Proceedings not to be quashed for Want of Form.

XII. And be it further enacted, That no Order to be made, nor any Proceeding to be had or taken, in pursuance of this Act, shall be quashed

quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Not to extend to Middlesex, &c.

XIII. And be it further enacted, That nothing in this Act contained shall extend or be construed or taken to extend to the County of *Middlesex* in *England*, or to *Scotland* or *Ireland*.

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the same or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master or Employer, although such Chattel, Money, or Security was not received into the Possession of such Master or Employer otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

it, shall be deemed to have stolen it feloniously, although never in the Master's Possession.

XLI. And for preventing the Difficulties which have been experienced in the Prosecution of such Offenders, be it enacted, That it shall be lawful to charge in the Indictment and to proceed against the Offender for any Number of distinct Acts of Embezzlement, not exceeding Three, which may have been committed by him against the same Master or Employer, within the Space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, where the Offence shall relate to any Money, or any valuable Security, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security, and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled to any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved, or if he shall be proved to have embezzled any Piece of Coin or any valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof shall be returned to the Party delivering the same, and although such Part shall have been returned accordingly.

Distinct Acts of Embezzlement may be charged in the same Indictment.

Allegation and Proof of the Property embezzled.

XLII. And for the Punishment of Embezzlements committed by Agents entrusted with Property, be it enacted, That if any Money, or Security for the Payment of Money, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money, or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund, whether of the United Kingdom, or of any Part thereof, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, shall be entrusted to any Banker,

Agents embezzling Money entrusted to them, and directed to be applied any special Purposes, Misdemeanor, punishable by Transportation, &c.

Like Punishment for Agents embezzling or converting any Goods or valuable

Security entrusted to them for safe Custody, or for any special Purpose.

Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negociate, transfer, or pledge, and he shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been entrusted to him, sell, negociate, transfer, pledge, or in any Manner convert to his own Use or Benefit such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award, as herein-before last mentioned.

Not to affect Trustees or Mortgagees;

nor Bankers, &c. receiving Money due on Securities;

or disposing of Securities on which they have a Lien.

XLIII. Provided always, and be it enacted, That nothing herein-before contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trustee or Mortgagee; nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security, according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession, upon which he shall have any Lien, Claim, or Demand, entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall be wilfully and fraudulently extended to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

Factors pledging for their own Use any Goods or Documents relating to Goods entrusted to them for the Purpose of Sale, Misdemeanor, punishable by Transportation, &c.

Not to extend to Cases where the Pledge does not exceed the Amount of the Lien.

XLIV. And be it enacted, That if any Factor or Agent entrusted for the Purpose of Sale with any Goods or Merchandize, or entrusted with any Bill of Lading, Warehouse Keeper's or Wharfinger's Certificate, or any Bought and Sold Note, or any Warrant or Order for Delivery of Goods or Merchandize, shall for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing, or *bonâ fide* supposed by such

Factor or Agent to be due and owing, to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent, and of any other Engagement made by such Factor or Agent on account of his Principal, and to the Payment of which such Factor or Agent is legally liable.

Provisions as to Agents shall not lessen Remedy by the Party aggrieved; but Conviction shall not be receivable in Evidence in Actions. Offender shall not be convicted by Evidence disclosed by him.

XLV. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon against any Banker, Merchant, Broker, Factor, Attorney, or other Agent, or any such Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, as aforesaid, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been made; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, or Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, shall be liable to be convicted of any Offence of Embezzlement against this Act, in respect of any Act done by him, by any Evidence disclosed by him in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

Obtaining Money, &c. by false Pretences, a Misdemeanor.

XLVI. And whereas a Failure of Justice frequently arises from the subtle Distinction between Larceny and Fraud; for Remedy thereof be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award: Provided always, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner as to amount in Law to Larceny, he shall by reason thereof be entitled to be acquitted of such Misdemeanor; and no such Indictment shall be removable by Certiorari; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

Where the original Offence is Felony, the Receiver of stolen Property may be tried either as an Accessory

XLVII. And with regard to Receivers of Stolen Property, be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such Person knowing the same to have been feloniously stolen or taken, every such Receiver shall be guilty of Felony, and may be indicted and convicted, either as an Accessory after

after the Fact, or for a substantive Felony; and punished by Transportation, &c.

after the Fact, or for a substantive Felony, and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Where the original Offence of stealing, or converting Property, is a Misdemeanor, Receiver may be prosecuted for a Misdemeanor, whether Principal be convicted or not.

XLVIII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall on Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Receiver may be tried where the Principal is triable, or where the Property is found in his Possession, or where the receiving takes place.

XLIX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessary after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

The Owner of stolen Property, prosecuting Thief or Receiver to Conviction, shall have Restitution of his Property.

L. And to encourage the Prosecution of Offenders, be it enacted, That if any Person guilty of any such Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for any Offence by or on the Behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from Time to Time Writs of Restitution for the same Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear, before any Award or Order made, that any valuable

Exception as to bonâ fide Payment or

Security

Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument, shall have been *bonâ fide* taken or received by Transfer or Delivery, by some Person or Body Corporate, for a just and valuable Consideration, without any Notice or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted, as aforesaid, in such Case the Court shall not award or order the Restitution of such Security. Transfer of valuable Securities.

LI. And be it enacted, That every Person who shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, shall (unless he cause the Offender to be apprehended and brought to Trial for the same) be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment. Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial, Felony, punishable by Transportation, &c.

LII. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Inquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Fifty Pounds for every such Offence, to any Person who will sue for the same, by Action of Debt, to be recovered with full Costs of Suit. Penalty on advertising a Reward for the Return of stolen Property without Inquiry, &c. 50*l.*

LIII. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice or Justices of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable. Receivers of Property, where the original Offence is punishable summarily, shall be punishable as original Offenders.

Accessories before the Fact, &c. in Felonies.

Accessories after the Fact.

Abettors in Misdemeanors.

LIV. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act, (except only a Receiver of stolen Property,) shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Abettors in Offences punishable summarily shall be punished as Principals.

LV. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice or Justices of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Persons in the Act of committing Offences may be apprehended without Warrant.

LVI. And for the more effectual Apprehension and Discovery of all Offenders punishable under this Act, be it enacted, That any Person found committing any Offence punishable, either upon Indictment or upon summary Conviction, by virtue of this Act, may be immediately apprehended without a Warrant, by any Peace Officer, or by the Owner of the Property on or with respect to which the Offence shall be committed, or by the Servant of or any Person authorized by such Owner, and such Offender shall and may be forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace that there is reasonable Cause to suspect that any Property whatsoever, on or with respect to which any such Offence shall have been committed, is in any Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places, the Justice may grant a Warrant to search such Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places for such Property, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend, and forthwith to carry before a Justice of the Peace, the Party offering the same, together with such Property, to be dealt with according to Law.

A Justice, upon good Grounds of Suspicion proved on Oath, may grant a Search Warrant.

Any Person to whom stolen Property is offered to seize the Party.

Limitation as to summary Proceedings.

Competent Witnesses.

LVII. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise, and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

LVIII. And

Mode of compelling the Appearance of Persons punishable on summary Conviction.

LVIII. And for the more effectual Prosecution of all Offences punishable on summary Conviction under this Act, be it enacted, That where any Person shall be charged, on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then, upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode, the Justice may either proceed to hear and determine the Case *ex parte*, or may issue his Warrant for apprehending such Person, and bringing such Person before such Justice, or some other Justice or Justices of the Peace; or it shall be lawful for the Justice before whom the Charge shall be made (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), to issue such Warrant; and the Justice or Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Applications of Penalties and Forfeitures on summary Convictions.

LIX. And with regard to the Application of all Forfeitures and Penalties upon summary Convictions under this Act, be it enacted, That every Sum of Money which shall be forfeited for or as the Value of any Property stolen or taken, or for or as the Amount of any Injury done, (such Value or Amount to be assessed in each Case by the convicting Justice or Justices,) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in Proof of the Offence, and in that Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice or Justices of the Peace, whether in addition to such Value or Amount as aforesaid, or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, City, Town, or Place, and in case there shall not be any such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall upon Conviction thereof each be adjudged to forfeit a Sum equivalent to the Value of the Property, or to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by one of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

Party aggrieved entitled only to the Penalty from One Offender.

Justice may receive Penalty payable to Treasu-

LX. And be it further enacted, That it shall be lawful for any Justice of the Peace by or before whom any Conviction shall be made

rer of Infirmary; &c. and pay the same, keeping an Account thereof.

made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty, under this Act, to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same, for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary or Charity in such Receipt; and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice, for the Use of such Infirmary or Charity; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Penalty or Sum of Money was set or imposed, and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and showing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively.

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

Accounts may be inspected by Treasurer of the Infirmary, &c.

LXI. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace, shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all seasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the

the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

Clerk of the Peace shall make Abstract of Accounts so transmitted to him, and have the same posted on the Court House Door during the Assizes, and published in a Newspaper.

LXII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts in such Form as to show in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract, or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract, signed with his Name as Clerk of the Peace, to be inserted in some one public Newspaper published or circulated within such County, County of a City, or County of a Town.

Penalty on Justices and Clerks of the Peace, for Neglect in such Receipts and Accounts, 100*l.*

LXIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money, applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid to the Clerk of the Peace, or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done, in manner required by this Act, or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act, or if any such Account or Abstract shall in any Particular be untrue or deficient, every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace, respectively forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same, in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

If a Person summarily convicted

LXIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the

shall not pay, &c. the Justice may commit him.

the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by any Justice or Justices, together with the Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award, if they shall think fit, in any Case of a summary Conviction under this Act,) shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, (which he or they is and are hereby authorized to appoint,) it shall be lawful for the convicting Justice or Justices (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice or Justices, for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited, or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Four Calendar Months where the Amount of such Forfeiture or Penalty, or both, as the Case may be, together with Costs, shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Scale of Imprisonment.

Justice may discharge certain Offenders on Payment of Recompence.

LXV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace, of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by such Justice or Justices.

Pardon for Nonpayment of Money.

LXVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

Summary Conviction shall be a Bar to any other Proceeding for the same Cause.

LXVII. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Convictions to be drawn in the following Form.

LXVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

‘ BE

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* City, Town, *or* Place, *as the Case may be*], *A. O.* is convicted before me *J. P.*, One of His Majesty's Justices [*or* before us *J. P.* and *S. L.*, Justices] of the Peace for the said County [*or* City, *&c.*], for that he the said *A. O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be; and, on a Second Conviction, state the First Conviction*]; and I the said *J. P.* [*or* we the said *J. P.* and *S. L.*] do adjudge the said *A. O.* for his said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of [*or* to forfeit and pay *here state the Penalty actually imposed, or state the Penalty, and also the Value of the Articles stolen, embezzled, or taken, or the Amount of the Injury done, as the Case may be*], and [*in any Case where the Costs shall be awarded*] also to pay the Sum of for Costs, and in default of immediate Payment of the said Sum [*or* Sums] to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sum [*or* Sums] shall be sooner paid; [*or*, and I [*or* we] order that the said Sum [*or* Sums] shall be paid by the said *A. O.* on or before the Day of and I [*or* we] direct that the said Sum of [i. e. *the Penalty only*], shall be paid to of in the County [*or* City, Town, *or* Place, *as the Case may be*,] to be by him [*or* them] applied according to the Directions of the Statute in that Case made and provided [*or* that the said Sum of [i. e. *the Penalty only*] shall be paid to, [*&c. as before*] and that the said Sum of [i. e. *the Value of the Articles stolen, or the Amount of the Injury done*] shall be paid to *C. D.* [*the Party aggrieved, unless he is unknown, or has been examined in Proof of the Offence, in which Case state that Fact, and dispose of the whole like the Penalty, as before*]; and [*if such Justice or Justices shall think proper to award the Complainant his Costs*], I [*or* we] order that the said Sum of for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above mentioned.'

One Justice may receive original Information, &c. where Two or more Justices are empowered to hear and determine.

LXIX. And be it further enacted, That in all Cases where by this Act Two or more Justices of the Peace are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon, by any such Two Justices, being made, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter

Matter or Thing relating to the Offence, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same County, City, Town, or Place, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace, different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Appeal on Conviction to General or Quarter Sessions.

LXX. And be it enacted, That in all Cases where the Sum adjudged to be paid on summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions (which shall be holden not less than Twelve Days after the Day of such Conviction) for the County or Place wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such General or Quarter Sessions, and shall also enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, the Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Conviction, nor Adjudication made on Appeal, shall be quashed for Want of Form.

LXXI. And be it enacted, That no such Conviction, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Sessions.

LXXII. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy

How far Evidence in future Cases.

of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shown.

Venue in Proceedings against Persons acting under this Act.

LXXIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or in case of any Action of Replevin, may avow generally that he took the Goods and Chattels in question under and by virtue of this Act, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant; and if a Verdict shall pass for the Defendant or Avowant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant or Avowant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant or Avowant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Notice of Action.

General Issue, &c.

Admiralty Offences.

LXXIV. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *Ireland*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction.

Act not to extend to England, Wales, or Scotland, except where Offenders having stolen or received Goods in one Part of the United Kingdom shall have them in another.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend to *England*, *Wales*, or *Scotland*, except as follows; (that is to say,) that if any Person having stolen, or otherwise unlawfully taken any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or unlawfully taking whereof is made punishable by Indictment by any of the Provisions of this Act, in any one Part of the United Kingdom, shall afterwards have the same Property in his Possession in any other Part of the United Kingdom, he may be dealt with, indicted, tried, and punished for such Offence, under this Act, in that Part of the United Kingdom where he shall so have such Property, in the same Manner as if he had actually stolen or unlawfully taken it as aforesaid in that Part of the United Kingdom; and if any Person in any one Part of the United Kingdom

shall receive, or shall have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise unlawfully taken as aforesaid in any other Part of the United Kingdom, such Person knowing the said Property to have been stolen or otherwise unlawfully taken as aforesaid, he may be dealt with, indicted, tried, and punished for such Offence in that Part of the United Kingdom where he shall so receive or have the said Property, in the same Manner as if it had been originally stolen or unlawfully taken as aforesaid in that Part of the United Kingdom.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LVI.

An Act for consolidating and amending the Laws in *Ireland* relative to malicious Injuries to Property.

[15th *July* 1828.]

WHEREAS in the last Session of Parliament an Act was passed for consolidating and amending the Laws in *England* relative to malicious Injuries to Property, and it is expedient that Provision should be made in *Ireland* for the like Purpose; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this present Act, and the several Matters therein contained, shall extend to *Ireland*, and not to *England*, *Wales*, or *Scotland*; and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-eight. 7 & 8 G. 4, c. 30.

This Act to extend to Ireland only.

Commencement of Act.

II. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Hay-yard, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, or if any Person shall unlawfully and maliciously set fire to any Church, Chapel, or Place for Religious Worship, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to a House, Outbuilding, Church, or Chapel, Felony, with Death.

III. And

Destroying, or forcibly entering any Place with Intent to destroy Silk, Woollen, Linen, or Cotton Goods in the Loom, &c. or any Machinery belonging to such Manufactures, &c. Felony, punishable with Transportation for Life, &c.

III. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Goods or Article of Silk, Woollen, Mohair, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking-hose, or Lace respectively, being in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Warp or Shute of Silk, Woollen, Linen, Mohair, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Loom, Frame, Machine, Engine, Rack, Tackle, Tool, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles, or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying Machines or Machinery in other Manufactures, or Threshing Machines, &c. Felony, with Transportation for Seven Years, &c.

IV. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Threshing Machine, or any Machine or Engine, whether fixed or moveable, or any Tool or Implement prepared for or employed in any Manufacture whatsoever, (except the Manufacture of Silk, Woollen, Linen, Mohair, or Cotton Goods, or Goods of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking-hose, or Lace), every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Penalty on Journeymen, &c. spoiling Goods or Work, 5*l.* to the Party grieved.

V. And be it enacted, That if any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer shall wilfully and unlawfully damage, spoil, or destroy any Goods, Wares, or Work committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, every such Offender, being lawfully convicted thereof before any Justice or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices to be a reasonable Compensation for the Damage, Injury, Spoil, or Destruction so committed, not exceeding in any Case the Sum of Five Pounds, which Sum of Money shall be paid to the Party grieved; and every Person so convicted shall, in default of immediate Payment, be committed to the Gaol of the County of the

City or Town, or to the House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Three Calendar Months.

Setting fire to a Coal Mine.

VI. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Mine of Coal or Cannel Coal, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Drowning any Mine, or filling up any Shaft, &c. with Intent to destroy the Mine, Felony, punishable by Transportation, &c.

VII. And be it enacted, That if any Person shall unlawfully and maliciously cause any Water to be conveyed into any Mine, or into any subterraneous Passage communicating therewith, with Intent thereby to destroy or damage such Mine, or to hinder or delay the working thereof, or shall with the like Intent unlawfully and maliciously pull down, fill up, or obstruct any Airway, Waterway, Drain, Pit, Level, or Shaft of or belonging to any Mine, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or private whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that nothing herein-before contained shall extend to any Damage committed under Ground, by any Owner of any adjoining Mine, in working the same, or by any Person duly employed in such working.

Proviso for Damage from adjoining Mine.

Destroying any Engine, Erection, &c used in any Mine, Felony, punishable by Transportation.

VIII. And be it enacted, That if any Person shall unlawfully and maliciously pull down or destroy, or damage with Intent to destroy or to render useless, any Steam Engine, or other Engine, or any Shaft, Passage, Drain, or Level for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, whether such Engine, Staith, Building, Erection, Bridge, Waggonway, or Trunk be completed, or in an unfinished State, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award, as herein-before last-mentioned.

Setting fire to or destroying a Ship, Felony, with Death.

IX. And be it enacted, That if any Person shall unlawfully and maliciously set fire to, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Damaging a Ship, otherwise than by Fire, Felony, punishable by Transportation.

X. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately

privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Exhibiting false Signals, destroying a shipwrecked Vessel or Cargo, &c. or forcibly impeding Men from saving their Lives, Felony, with Death.

XI. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or shall destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or shall destroy any Goods, Merchandize, or Articles of any Kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel, (whether he shall be on board or shall have quitted the same,) every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying any Sea Bank, &c. or Works on any River or Canal, Felony, with Transportation for Life, &c.

XII. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, undermine, or otherwise destroy any Lock, Sluice, Wear, Tunnel, Towing Path, Floodgate, Aqueduct, Reservoir, Cut, Dam, Drain, Watercourse, or other Work on any navigable River or Canal, every such Person shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Removing the Piles of any Sea Bank, &c. or doing any Damage to obstruct the Navigation of a River or Canal, Felony, with Seven Years Transportation.

XIII. And be it enacted, That if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Injuring public Bridges, Felony, with Transportation for Life, &c.

XIV. And be it enacted, That if any Person shall unlawfully and maliciously pull down or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge, or any Part thereof, dangerous or impassable, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for

for any Term not exceeding Four Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying a Turnpike Gate, Toll House, &c. Misdemeanor, punishable accordingly.

XV. And be it enacted, That if any Person shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any Turnpike Gate, or any Wall, Chain, Rail, Post, Bar, or other Fence belonging to any Turnpike Gate, or set up or erected to prevent Passengers passing by without paying any Toll directed to be paid by any Act or Acts of Parliament relating thereto, or any House, Building, or Weighing Engine erected for the better Collection, Ascertainment, or Security of any such Toll, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be punished accordingly.

Breaking down the Dam of a Fishery, &c. or Mill Dam, Misdemeanor, punishable by Transportation, &c.

XVI. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fishpond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, or shall unlawfully and maliciously break down or otherwise destroy the Dam of any Millpond, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Killing or maiming Cattle.

XVII. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to Stack of Corn, &c. Felony, with Death; to certain Crops or Plantations, &c. Felony, with Transportation.

XVIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Straw, Hay, Coals, Turf, Charcoal, or Wood, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and maliciously set fire to any Crop of Corn, Grain, or Pulse, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees, wheresoever the same may be growing, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying or damaging Trees, Shrubs, &c. by Night, Felony, with Transportation.

XIX. And be it enacted, That if any Person shall unlawfully and maliciously, between Sunset and Sunrise, cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and if any Person shall, between Sunrise and Sunset, unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, (in case the Amount of the Injury done shall exceed the Sum of Five Pounds,) every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony herein-before last mentioned.

Like Punishment on destroying Trees, Shrubs, &c. in the Day-time, if the Value exceeds 5*l.*

Destroying or damaging Trees, Shrubs, &c. of any Value under 5*l.* punishable on summary Conviction.

XX. And be it enacted, That if any Person shall, between Sunrise and Sunset, unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, the Injury done being under the Value of Five Pounds, every such Offender, being convicted before a Justice or Justices of the Peace, shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term not exceeding Twelve Calendar Months, as the convicting Justice or Justices shall think fit.

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary Conviction for First Offence.

XXI. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion of the Justice or Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, or else shall forfeit and pay the Amount of the Injury done, and also a Sum of Money not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony herein-before last-mentioned.

Second Offence, Felony.

Destroying, &c. Vegetable Productions, not growing in Gardens, &c. Imprisonment or Fine;

XXII. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any cultivated Root or Plant used for Food of Man or Beast, or for Medicine, or for Distilling, or for Dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion

cretion of the Justice or Justices, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding One Calendar Month, or else shall forfeit and pay the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Shillings, as to the Justice or Justices shall seem meet; and in default of Payment thereof, together with the Costs, if ordered, shall be committed as aforesaid, for any Term not exceeding One Calendar Month, unless Payment be sooner made; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit.

Second Offence, Imprisonment, &c.

XXIII. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, every such Offender, being convicted before a Justice or Justices of the Peace, shall for the first Offence forfeit and pay the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justice or Justices shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice or Justices shall think fit.

Destroying, &c. any Fence, Wall, Stile, or Gate.

XXIV. And be it enacted, That every Person who, being possessed in any Manner or Right whatever of any Dwelling House or other Building held under or by virtue of any Lease or Agreement, or for any Term of Years, or other less Term, certain or at Will, (whether the Possession of such Dwelling House or other Building, or Part of such Dwelling House or other Building, shall have been obtained for the fraudulent and malicious Purpose of pulling down or demolishing the same, or for any other Purpose whatever,) shall wilfully, fraudulently, or maliciously, and not for the Purpose of any intended Improvement or beneficial Alteration therein, pull down or demolish or begin to pull down or demolish the same, or commit any other unlawful Waste or Destruction thereof or thereto, or shall pull down or sever from the Freehold any Fixture or Utensil, being within or appurtenant to such Dwelling House or other Building, or used or occupied therewith, or which in a due Course of Occupancy ought not to be so pulled down or severed from the Freehold, or who shall wilfully and knowingly aid, abet, or assist in the same, or who shall wilfully and knowingly purchase or contract to purchase the Materials or any Part of the Materials of which such Dwelling House or other Building was constructed, or any Fixture or Utensil being within or appurtenant to any such Dwelling House or other Building, or Part of such Dwelling House or other Building, or used and occupied therewith, and which in due Course of Occupancy ought not to be pulled down and severed from the Freehold, shall be deemed and is hereby declared

Persons possessed of Houses under Lease, &c. who shall demolish or waste them, declared guilty of Misdemeanor.

declared to be guilty of a Misdemeanor, and shall be subject and liable, on Conviction thereof, to the like Pains and Penalties as in Cases of Misdemeanor.

When Suspicion is entertained of Intent to demolish or injure Houses, Owners, &c. may make Oath thereof before a Magistrate.

XXV. And be it enacted, That in all Cases where any Dwelling House or other Building, or any Part of any Dwelling House or other Building, shall be held by virtue of any Lease or Agreement, or for any Term of Years, or other less Term, certain or at Will, whether the Possession of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, shall have been obtained by Fraud or not, whenever it shall be suspected that any Person or Persons is or are about to pull down or demolish, or to commit any unlawful Waste or Destruction upon such Dwelling House or other Building, or Part of such Dwelling House or other Building, it shall and may be lawful to and for any Owner, Lessor, or Landlord thereof, or any other Person or Persons entitled to the same, or interested in the Preservation thereof, or for any Trustee or Agent acting upon the Part or Behalf of any Owner, Lessor, Landlord, or Person so interested, to make and take an Oath or Affidavit in Writing, (or Affirmation in Writing, if a Quaker,) before any Justice of the Peace or Magistrate for the County, City, Town, or other Place within which such Dwelling House or Building shall be situate, stating the Belief and Suspicion of the Person or Persons making such Affidavit or Affirmation, that some Person or Persons in the Possession or Occupation of such Dwelling House or other Building, or of some Part thereof, or by the Permission or Collusion of some Person in the Occupation of such Dwelling House or other Building, or of some Part of such Dwelling House or other Building, hath or have an Intention to commit, or do propose to commit, some such wilful or fraudulent Waste and Destruction as is herein-before described, or if any such Waste or Destruction shall have been commenced there, that the same was fraudulent or malicious, and not for the Purpose of any Improvement or beneficial Alteration in such Dwelling House or other Building, or Part of such Dwelling House or other Building, and which Oath and Affirmation such Justice or Magistrate is hereby empowered and required to administer; and upon such Affidavit or Affirmation being made by such Person or Persons as aforesaid, it shall and may be lawful for such Justice or Magistrate to issue a Notice in Writing, signed by him, stating that Information on Oath or Affirmation has been received that some Person or Persons occupying such Dwelling House or other Building, or acting under or by the Authority or Permission of, and in collusion with, such Occupier or Occupiers of such Dwelling House or other Building, intends or intend or is or are about to commit wilful and fraudulent Waste, by pulling down and destroying such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and cautioning and admonishing all such Persons, and all Persons whomsoever, not to proceed to pull down or destroy or otherwise injure such Dwelling House or other Building, or any Part of such Dwelling House or other Building, until special Leave, Licence, and Authority in Writing for that Purpose shall be first procured from and given by the Justice or Magistrate by whom such Notice shall be signed; and such Notice shall be served on any and every Person by whom it shall

Magistrate shall thereupon give Notice to the Parties not to proceed without the Licence of such Magistrate.

Service of such Notice.

shall be suspected that such Waste and Destruction shall be intended to be committed, or by whom any such Waste and Destruction shall have been commenced, if such Person can be found, and if not, then such Notice shall be affixed on the principal Door or Entrance of such Dwelling House or other Building; and every and any Person who, after being duly served with such Notice, or after such Notice shall be posted on the principal Door or Entrance of such Dwelling House or other Building, shall, without such Leave, Licence, or Authority as aforesaid, pull down or demolish, or shall begin to pull down or demolish, or shall proceed in pulling down or demolishing, any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or who shall wilfully and unlawfully aid, abet, or assist in the pulling down or demolishing, or beginning to pull down or demolish, or proceeding in pulling down or demolishing of any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or in committing any unlawful Waste or Destruction thereof or therein, shall be deemed and is hereby declared to be guilty of a Misdemeanor.

Persons proceeding in demolishing Houses after such Notice, guilty of Misdemeanor.

XXVI. And be it further enacted, That if any Person shall, after the Service or Posting of such Notice, begin to pull down and destroy, or shall proceed in pulling down or destroying, or shall otherwise wilfully and maliciously injure and commit unlawful Waste in, on, or to any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or if any Person or Persons, having commenced any such Waste, pulling down, or Destruction, shall not immediately desist from continuing and committing such Offence, it shall and may be lawful for any Justice of the Peace or Magistrate, and he is hereby authorized and required, to issue his Warrant, under his Hand and Seal, directed to any Constable or Constables, authorizing such Constable or Constables to prevent such pulling down or Destruction of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and to take into Custody and apprehend every Person present aiding and assisting in such pulling down and Destruction, and to bring all such Persons before such Justice or Magistrate; and it shall be lawful for such Justice or Magistrate to commit any such Offender so taken and apprehended to any neighbouring Gaol or Prison, there to remain, without Bail or Mainprize, until such Offender shall give good and sufficient Security, by Recognizance conditioned not to commit or proceed in committing such wilful Waste and Destruction, and in case any such Waste and Destruction shall have been in part committed, then also conditioned to rebuild and repair such Dwelling House or other Building, so as to leave the same in as good tenantable Order and Condition as such Dwelling House or other Building was in previous to the Commission of such Waste and Destruction as aforesaid, and which Recognizance every such Justice or Magistrate is hereby authorized and required to take.

Persons pulling down Houses after such Notice may be apprehended and imprisoned until they give Security not to proceed in such Destruction, and to repair Damages.

XXVII. Provided always, and be it further enacted, That in case any Tenant or Occupier of any Dwelling House or other Building shall, on being required so to do by any such Justice or Magistrate as aforesaid, enter into a good and sufficient Security by Recognizance, with

Persons may proceed in repairing Houses, on giving Security to Magistrates.

Two sufficient Sureties, in such Sum as such Justice or Magistrate shall require, conditioned to rebuild and repair any such Dwelling House or other Building within Six Calendar Months from the Date of such Recognizance, and to put such Dwelling House or other Building in as tenantable State of Repair, or in such the like State of Repair, as the same was in previous to the Commencement of any wilful Waste and Destruction thereof or therein, then and in every such Case it shall and may be lawful for such Persons so entering into such Recognizance, and their Workmen and Assistants, to proceed in making any Repair or Alterations and Improvements of or in such Dwelling House or other Building, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Notice good though not addressed to any Person.

XXVIII. And be it further enacted, That if any such Notice as aforesaid shall be personally served on any Person as aforesaid, or in case personal Service cannot be effected, if such Notice shall be regularly posted, according to the Directions in this Act contained, on the Door or principal Entrance of any such Dwelling House or other Building, such Notice shall be deemed good and sufficient for the Purposes of this Act, although such Notice shall not be addressed to such Person by his or her proper Name, or by any Name whatsoever.

Not to affect former Remedies of Landlords.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to deprive any Lessor, Landlord, or other Person, of any Remedy, either at Law or in Equity, which before the passing of this Act such Lessor, Landlord, or other Person might legally or equitably have pursued against any Person or Persons whomsoever, either for the obtaining Satisfaction for any Injury sustained by such Lessor, Landlord, or other Person, or for preventing such Injury, notwithstanding the Offence by which such Injury may be occasioned shall be such as under this Act to incur the Penalty of a Misdemeanor, as wilful or malicious Waste to a Dwelling House or other Building, or any Part thereof.

Persons committing Damage to Property, in any Case not previously provided for, may be compelled by a Justice to pay Compensation, not exceeding 5*l*.

Application of the Money awarded.

XXX. And be it enacted, That if any Person shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which no Remedy or Punishment is herein-before provided, every such Person, being convicted thereof before a Justice or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds, which Sum of Money shall, in the Case of private Property, be paid to the Party aggrieved, if known, except where such Party shall have been examined in proof of the Offence; and in such Case, or where the Party aggrieved is unknown, or in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as every Penalty imposed by a Justice or Justices of the Peace under this Act is hereinafter directed to be applied; and if such Sum of Money, together with Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award, if he or they shall think fit,) shall not be paid, either immediately after the Conviction, or within such

Period as the Justice or Justices shall at the Time of the Conviction appoint, the Justice or Justices may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, as the Justice or Justices shall think fit, for any Term not exceeding Two Calendar Months, unless such Sum and Costs be sooner paid: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in hunting, fishing, or the Pursuit of Game; but that every such Trespass shall be punishable in the same Manner as before the passing of this Act. Proviso.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect, or be deemed or construed to affect, any of the Provisions contained in an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn*; or in an Act passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*; or in an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured*; or in an Act passed in the Parliament of *Ireland* in the Twenty-seventh Year of the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths.* Proviso excepting the Operation of Irish Acts. 11 G. 3. c. 7. 15 & 16 G. 3. c. 21. 23 & 24 G. 3. c. 20. 27 G. 3. c. 15.

XXXII. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise. Malice against the Owner not essential to any Offence under this Act.

XXXIII. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender. Principals in the Second Degree, and Accessories. Abettors in Misdemeanors.

XXXIV. And

The Court may, for all Offences within this Act, order hard Labour or solitary Confinement.

XXXIV. And be it enacted, That where any Person shall be convicted of any indictable Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction; and also to direct that the Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

Persons in the Act of committing any Offence may be apprehended without a Warrant.

XXXV. And for the more effectual Apprehension of all Offenders against this Act, be it enacted, That any Person found committing any Offence against this Act, whether the same be punishable upon Indictment or upon summary Conviction, may be immediately apprehended, without a Warrant, by any Peace Officer, or the Owner of the Property injured, or his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Limitation as to summary Proceedings.

Competent Witnesses.

XXXVI. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

XXXVII. And for the more effectual Prosecution of Offences punishable on summary Conviction under this Act, be it enacted, That where any Person shall be charged on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before such Justice, or some other Justice or Justices of the Peace; or it shall and may be lawful for the Justice before whom the Charge shall be made (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) to issue such Warrant; and the Justice or Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Abettors in Offences punishable on summary Conviction, punishable as Principals.

XXXVIII. And be it enacted, That where any Offence is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every Person who shall aid, abet, counsel, or procure the Commission of such Offence shall, on Conviction before a Justice or Justices of the Peace, be liable, as the Case may be, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a Principal Offender is by this Act made liable.

XXXIX. And

XXXIX. And with regard to the Application of all Forfeitures and Penalties upon summary Conviction under this Act, be it enacted, That every Sum of Money which shall be forfeited for the Amount of any Injury done (such Amount to be assessed in each Case by the convicting Justice or Justices), shall be paid to the Party aggrieved, if known (except where such Party shall have been examined in Proof of the Offence); and in such Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice or Justices of the Peace, whether in addition to such Amount or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, City, Town, or Place; and in case there shall be no such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity, within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall upon Conviction thereof each be adjudged to forfeit a Sum equivalent to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by any Justice or Justices of the Peace is herein-before directed to be applied.

Application of Forfeitures and Penalties upon summary Convictions.

Proviso.

XL. And be it further enacted, That it shall be lawful for any Justice of the Peace, by or before whom any Conviction shall be made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty under this Act to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary or Charity in such Receipt, and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice for the Use of such Infirmary or Charity; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom

Justice may receive any Penalty payable to Treasurers of Infirmary, &c. and pay the same to them, keeping an Account thereof.

such Forfeiture or Penalty or Sum of Money was set or imposed; and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice, under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and shewing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom, and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively.

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

Accounts may be inspected by Treasurer of the Infirmary, &c.

XLI. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace, shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all seasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

Clerk of the Peace shall make Abstract of the Accounts, and post the same on the Court House Door during the Assizes, and afterwards publish it.

XLII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts, in such Form as to shew in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom, all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract, or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract,

signed with his Name as Clerk of the Peace, to be inserted in some One public Newspaper published or circulated within such County, County of a City, or County of a Town.

Penalty on Justices and Clerks of the Peace for Neglect in such Receipts and Accounts, 100*l*.

XLIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid, to the Clerk of the Peace; or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done in manner required by this Act; or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act; or if any such Account or Abstract shall in any particular be untrue or deficient; every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace respectively, forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

XLIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice or Justices, together with Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award,) shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice or Justices (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice or Justices, for any Term not exceeding Two Calendar Months where the Amount of the Sum forfeited or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds, or for any Term not exceeding Four Calendar Months where the Amount of such Forfeiture or Penalty, or of both, (as the Case may be,) together with Costs, shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

The Justice may discharge the Offender in certain Cases.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit,

fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice or Justices.

Pardon for Nonpayment of Money.

XLVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XLVII. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act, shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Form of Conviction.

XLVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* City, Town, *or* Place, *as the Case may be*] *A.O.* is convicted before me *J. P.*, One of His Majesty's Justices [*or* before us *C. D.* and *E. F.*, Justices of the Peace for the said County [*or* City, *&c.*] for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be; and, on a Second Conviction, state the First Conviction*]; and I the said *J. P.* [*or* we the said *C. D.* and *E. F.*] adjudge the said *A.O.* for his said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of [*or* to forfeit and pay *here state the Penalty actually imposed, or state the Penalty, and also the Amount of the Injury done, as the Case may be*] and [*where Costs shall be awarded*] also to pay the Sum of for Costs, and in default of immediate Payment of the said Sum [*or* Sums] to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sum [*or* Sums] be sooner paid [*or*, and I [*or* we] order that the said Sum [*or* Sums] shall be paid by the said *A.O.* on or before the Day of and I [*or* we] direct that the said Sum of [*i.e. the Penalty only*] shall be paid to of in the County [*or* City, Town, *or* Place, *as the Case may be*], to be by him [*or* them] applied according to the Directions of the Statute in that Case made and provided [*or* that the said Sum of [*i.e. the Penalty*] shall be paid to, *&c. as before*],

'and

'and that the said Sum of [i.e. *the Sum for the Amount of* '*the Injury done*] shall be paid to *C. D.* [*the Party aggrieved, unless he* '*is unknown, or has been examined in Proof of the Offence, in which Case* '*state that Fact, and dispose of the whole like the Penalty, as before*], and '[*if such Justice or Justices shall think proper to award the Complainant* '*his Costs*] I [*or* we] order that the said Sum of for Costs 'shall be paid to [*the Complainant*]. Given under my 'Hand and Seal [*or* our Hands and Seals], the Day and Year first 'above written.'

One Justice may receive original Information, &c. where Two or more Justices are empowered to hear and determine.

XLIX. And be it further enacted, That in all Cases where by this Act Two or more Justices of the Peace are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon by any such Two Justices being made, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter or Thing relating to the Offence, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same County, City, Town, or Place, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Appeal where the Penalty exceeds *5l.*, or the Imprisonment One Month, or the Conviction is before One Justice.

L. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, City, Town, or Place wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or shall enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the

Conviction, such Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari allowed.

LI. And be it enacted, That no such Conviction, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Justices shall transmit Convictions to Quarter Sessions.

How far Evidence in future Cases.

LII. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shown.

Limitation of Time and Venue in Proceedings under this Act.

Notice of Action.

General Issue, &c.

LIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was or is charged to have been committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or in case of any Action of Replevin may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, nor if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant; and if a Verdict shall pass for the Defendant or Avowant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant or Avowant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action, and of the Verdict obtained thereon.

LIV. Pro-

LIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to that Part of the United Kingdom called *Great Britain*. Not to extend to Great Britain.

LV. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *Ireland*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction. Admiralty Offences.

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ANNO NONO

GEORGII IV. REGIS.

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C A P. LVII.

An Act to provide for the Regulation of the Public Office for registering Memorials of Deeds, Conveyances, and Wills, in *Ireland*.

[15th *July* 1828.]

WHEREAS by an Act made in the Parliament of *Ireland*, in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the public registering of all Deeds, Conveyances,* 6 Ann. (I.)
and Wills, that shall be made of any Honours, Manors, Lands, Tenements, or Hereditaments, it was enacted, that One Public Office for registering Memorials of Deeds and Conveyances, Wills and Devises, should be established and kept in the City of *Dublin*, to be managed and executed by a fit and able Person or his sufficient Deputy, such Person to be nominated and appointed by the Queen's Majesty, Her Heirs and Successors, and to continue in the said Office for so long Time as he should faithfully and honestly demean himself therein; and divers Regulations for the conducting the said Office and the Business therein were made by the said Act, and by several Acts for amending the same: And whereas the Right Honourable *John* Lord Viscount *Kilwarden* is the present Registrar of the said Office, with divers Persons as his Deputies, and certain Clerks and Officers for the executing the Duties of the said Office; and it is just and expedient that Provision should be made for the future Regulation of the said Office, and also of the Business transacted in the said Office, and the Fees paid for the same; be it therefore enacted by the King's most

After the Removal of Lord Kilwarden, the Treasury may regulate the Establishment of the Registry Office, and appoint the Officers, &c.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so soon as may be after the Death, Resignation, or Removal of the Lord Viscount *Kilwarden* from the said Office of Registrar it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Ireland* for the Time being, or any Three or more of them, and they are hereby authorized and required, to regulate the Duty and Establishment of the said Public Registry Office; and that for such Purposes it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, to nominate and appoint one efficient Officer or Person to be the Registrar of all Deeds, Conveyances, and Wills, and of all other Instruments, Matters, and Things which by Law are or shall be required to be registered at the said Public Registry Office in *Dublin*; and also to appoint one other Person to be Assistant to such Registrar; and also to appoint such and such Number of fit and proper Persons as Clerks and subordinate Officers as may be sufficient and necessary to perform and execute the Duties to be done, performed, and executed in the said Public Registry Office; and to direct that such Registrar and Assistant Clerks and Officers shall perform the Duties of the respective Offices in Person; and that such Registrar shall give and enter into such Recognizances, by himself and Sureties, for the due Performance of the Duty of his Office, to such Amount as the said Lord High Treasurer or Commissioners of the Treasury shall deem fit; and that such Registrar and his Assistant Registrar, and such Clerks and subordinate Officers, shall receive such Proportion of Fees, or such Salaries in lieu of Fees respectively, as shall be ordered and appointed by the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, in that Behalf; and that all Fees received in the said Office shall be disposed of and distributed in such Manner as such Lord High Treasurer or Commissioners of the Treasury shall direct and appoint; regard being had in every Case to the Nature and Extent of the Duties to be performed, and to the Responsibility which may attach or belong to the several and respective Officers and Persons executing the Duties of the said Office respectively; and all such Regulations and Appointments when so made and established shall be and become and be put in full Force and Effect in relation to the said Public Registry Office, and to the said Registrar and Assistant Registrar, and Clerks and Officers respectively; and such Fees and Salaries shall be payable and paid and disposed of in manner required and directed by the Lord High Treasurer or Commissioners of the Treasury; any thing in the said recited Act, or in any other Act or Acts, or any Law, Usage, or Custom, to the contrary in anywise notwithstanding.

After such Removal, the Treasury may discharge existing Officers from the Performance of the Duties of their Offices,

II. And be it further enacted, That in case it shall be deemed expedient by the Lord High Treasurer or the Commissioners of His Majesty's Treasury in the Execution of the Act, after the Death, Resignation, or Removal from Office of the said *John* Lord Viscount *Kilwarden*, that the Whole or any Part of the Duties of any Deputy or Assistant, or Clerk or Officer, in the said Public Registry Office may be dispensed with, and that the Persons holding such Offices

may be discharged from the Whole or any Part of the Duty of the said Offices or either of them, or that the Salaries or Proportion of Fees received by any of the said Officers should be reduced, it shall and may be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any Three of them, and they are hereby authorized and empowered, to discharge the said Officers, or any of them, from the Whole or any Part of the Duties of the said Offices respectively, or any of them, and to order that the Amount of Salaries or Fees receivable by the said Officers or any of them should be reduced or regulated accordingly; and it shall and may also be lawful for the said Lord High Treasurer or Commissioners of the Treasury, in any or either of the said Cases, to make such just and reasonable Compensation or annual Allowance to such Officers, their Clerks, or any of them, as the said Lord High Treasurer or Commissioners of His Majesty's Treasury shall in their Judgment think proper; and to direct the Payment of such Compensation out of the Produce of the Fees payable in the said Office, in such Manner and under such Regulations and Restrictions as shall be specified in any Order or Orders of the said Lord High Treasurer, or Commissioners of the Treasury, to be made for that Purpose: Provided always, that all the Persons employed as Deputies, Assistants, or Clerks in said Office, at the Time of such Death, Resignation, or Removal of said Lord *Kilwarden*, shall thereafter be authorized and empowered to continue to perform their several and respective Duties in said Office, and to do all official Acts necessary for conducting the same, in as full and ample a Manner as if such Death, Resignation, or Removal had not taken place, until they shall be respectively discharged therefrom as aforesaid.

or reduce their Salaries.

Compensation may be made.

Deputies, &c. to continue in their Offices until discharged therefrom.

III. And be it further enacted, That Copies of all Orders, Directions, Minutes, and Regulations of any Kind or Nature soever, which, under the Provisions of this Act, shall be made by the Lord High Treasurer, or by the Commissioners of His Majesty's Treasury, or any Three of them, touching or concerning the said Office of Registrar of Deeds in *Ireland*, shall be laid before both Houses of Parliament at the Commencement of the Session next ensuing the Date or Dates of such Directions or Orders as aforesaid, or if Parliament shall be then sitting, then within Fourteen Days next after the Dates of such Orders, Directions, Minutes, or Regulations respectively; and that in case no legislative Provision shall otherwise be made in the Course of the Session in which such Copies shall be laid before Parliament, the said Minutes, Orders, Directions, or Regulations shall then, and not before, become final and conclusive to all Intents and Purposes whatever.

Orders, &c. made by the Treasury concerning the said Office to be laid before Parliament.

IV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to grant such Leave and Licence to the said Lord *Kilwarden* the present Registrar to be absent from *Ireland* from Time to Time, and for such Period or Periods, and under such Restrictions, as such Lord Lieutenant or Chief Governor or Governors shall think fit; any thing in

Lord Lieutenant may grant Leave of Absence to the present Registrar.

in any former Act or Acts of Parliament to the contrary thereof contained notwithstanding.

Registry shall be completed up to passing of this Act.

Indexes shall remain in Office and be completed.

V. And be it further enacted, That the Entries and Registry of all Memorials required to be registered at any Time before the Expiration of One Calendar Month next after the passing of this Act, shall be completed as soon as may be after the passing of this Act; and that all Books which at any Time before the passing of this Act shall have been used and kept in the said Registry Office, containing any Abstracts of or Indexes to the Contents of the Memorials registered in the said Office, shall continue to be kept and preserved in the said Office as Public Property, and shall not be removed therefrom; and that such Indexes and Abstracts shall be completed as soon as may be up to the End of One Calendar Month next after the passing of this Act.

Complaints against Registrar and Officers for Neglect, &c. may be heard and determined in the Superior Courts.

VI. And for the more effectually securing the Performance of the Duty of Registrar, and of the Deputies, Assistants, Clerks, and Officers in the said Office of Public Registry, be it enacted, That upon any Complaint made on Oath before any of His Majesty's Superior Courts of Law in *Dublin*, of any Neglect, Default, or Misconduct by any Registrar, or Deputy Registrar, or Assistant Registrar, or any Clerk or Officer in the said Office, committed at any Time after the passing of this Act, it shall be lawful for such Court, or any Judges or Judge thereof, to hear and determine such Complaint in a summary Way; and also to ascertain how far the Registrar, or other superior Officer, ought to be answerable for the Neglect, Default, or Misconduct of any Deputy, Assistant, Clerk, or inferior Officer, or may be guilty of any Connivance in such Neglect, Default, or Misconduct; and if the Court or Judge shall be of Opinion that Proof has been adduced of any such Neglect, Default, Misconduct, or Connivance, the senior or sole Judge present at the Hearing of such Complaint shall forthwith cause a Copy of the Judgment of the Court to be laid before the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and thereupon it shall be lawful for such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to order and direct that such Registrar, or Deputy or Assistant Registrar, or Officer or Clerk, or all or any of them, who shall appear to be guilty of any such Neglect, Default, Misconduct, or Connivance, shall be removed from his or their Office or Employment respectively; and every such Person shall be removed accordingly, and shall be and become incapable of continuing in or executing such Office or Employment.

Upon Proof of Neglect, &c. the Court to report the same to the Lord Lieutenant, who may dismiss the Offender from his Office.

Fees to be taken shall be according to the Table to this Act annexed.

VII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act, in lieu and instead of any Fees for the Performance of any Duty to be done or performed in the said Public Registry Office in *Dublin*, claimed or payable under or by virtue of any Act in force before the passing of this Act, or otherwise however, there shall be paid and payable the several Fees mentioned, specified, and set forth in the Table marked (A.) to this Act annexed, and no others, on any Account or Pretext

Pretext whatever; and if after the Expiration of the said Calendar Month, any Person in the said Public Registry Office shall demand or take any Fee, Gratuity, or Sum of Money greater or other than is mentioned and set forth in the said Table, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, to be recovered with Costs of Suit by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in *Dublin*, by any Person who shall sue for the same, in which Action no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on taking greater or other Fees, 100*l.*

VIII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act, there shall be kept in the said Registry Office One or more Book or Books, wherein every Fee or Sum of Money which shall be received by any Registrar, Deputy, Assistant, Clerk, or Officer in the said Office, for the Performance of any Duty required by Law to be done and performed by such Registrar or other Person, shall be duly and separately entered at the Time of the Receipt of any such Fee or Sum of Money; and every such Book shall be produced and verified by the proper Officer whenever the same shall be required by any Person interested in and demanding such Production, or by any Order of any of His Majesty's Courts, or of any Judge of any such Courts, or of the Lord High Treasurer or Commissioners of His Majesty's Treasury.

Books of all Fees received shall be kept, and produced when required.

IX. And be it further enacted, That the said Registry Office shall be kept open for Business from the Hour of Ten in the Forenoon to the Hour of Four in the Afternoon of every Day in the Year, except only *Sundays*, *Christmas Day*, and *Good Friday*, and Days of Public Fast or Thanksgiving; and that due Attendance shall be given therein on every such Day during said Hours by the said Registrar or his sufficient Deputies or Deputy; and that no Business shall be done or transacted in the said Office by such Deputy Registrar, or by any of his Assistants or Clerks or Officers, but such as relates to the Public Duties of the said Office, and the said Office shall be appropriated solely and exclusively to the Purposes of such Public Duties; and no Person not being an Officer employed in the said Office shall be allowed to inspect any Memorial in the said Office, except in the Presence of some Officer of the said Office, and acting in the Execution of his Duty in the said Office.

Days and Hours of Attendance.

Office shall be applied only to Public Business.

Memorials to be inspected only in the Presence of an Officer.

X. And be it further enacted, That it shall not be lawful for the Registrar, or any Deputy or Assistant of such Registrar, or any Clerk or Officer in the said Office, to grant any Certificate of the Registry of any Memorial registered at any Time after the Expiration of One Calendar Month next after the passing of this Act, unless such Memorial shall specify the Barony or Parish, or both, wherein any Lands or Tenements intended to be affected by such Registry are situate.

Memorials shall specify the Baronies, &c. where Lands are situate.

XI. And for the Purpose of enabling the proper Officer to ascertain the Amount of the Fees payable on the Entry of every such Memorial according to the Table annexed to this Act, and also to regulate the

Length of Memorial shall be indorsed thereon.

the Payment to the Entering Clerk, be it enacted, That upon every Memorial of which a Registry shall be demanded, there shall be indorsed a Certificate of the Length of such Memorial, stating the respective Quantities of Words in such Memorial as not exceeding One thousand Words, or any successive Quantity of One thousand Words, or any fractional Number of Words exceeding or not exceeding Five hundred Words, and such Certificate shall be signed by the Person demanding such Registry; and if any such Certificate shall be untrue, so as to induce the Payment of any Fee less than the Fee payable according to such Table, the Person subscribing such Certificate shall forfeit the Sum of Five Pounds, to be recovered by Civil Bill by any Officer in the said Registry Office who will sue for the same.

Abstract Book of Memorials to be kept according to the Form in Schedule (B.)

XII. And for the more easy searching and referring to the Registry of all Memorials, be it enacted, That One or more Book or Books, each to be denominated an Abstract Book, shall, from and after the Expiration of One Calendar Month next after the passing of this Act, be kept in the said Office of Public Registry, wherein some Clerk or Officer, or Clerks or Officers, to be appointed for that Purpose, shall enter from each Memorial, of which a Registry shall be duly required, the Particulars of such Memorial specified and enumerated in the Form marked (B.) to this Act annexed; and the Clerk or Officer making such Entry, or some other Clerk or Officer, shall compare the Particulars of each such Entry with the Deed to which each Memorial shall purport to relate; and if the several Particulars in each Deed and Memorial shall be found to correspond, but not otherwise, it shall then be lawful for and the Duty of the Officer to certify the Registry of such Memorial.

Alphabetical Indexes of Names of Grantors to be kept.

XIII. And be it further enacted, That there shall be made up and kept in the said Registry Office Indexes of the Names of every Grantor contained and specified in any and every Memorial which shall be registered after the Expiration of One Calendar Month next after the passing of this Act; and that each Volume of such Indexes shall comprise a Period of Ten Years, and shall contain only such Names as have the same initial Letter; and each such Volume shall be subdivided into Portions, each distinguished by a Second Letter in alphabetical Order, under which Subdivisions the Names of all such Grantors shall be entered according to the Two First Letters of each such Name respectively; and that after the Name of each Grantor so entered, there shall be entered the Name of One Grantee and the Number of the Memorial wherein such Names occur, and the Number and Page of the Registry Book where such Memorial is entered, corresponding with the Entry in the Abstract Book hereinbefore mentioned.

Index of Names of Lands, &c. to be kept.

XIV. And be it further enacted, That there shall also be made up and kept in the said Registry Office Indexes of the Names of all Lands, Tenements, and Hereditaments mentioned and specified in any and every Memorial which shall be registered after the Expiration of One Calendar Month next after the passing of this Act; and that a separate Volume of such Indexes shall be appropriated to each County or County of a City in *Ireland*; and that each such Book shall contain separate

Divisions under the Heads of the Baronies comprised in any County, arranged alphabetically, with Subdivisions for Denominations of Lands, beginning with each Letter of the Alphabet; and each Denomination shall be entered under the Subdivision appropriated to the initial Letter of such Denomination; and opposite each Denomination so entered there shall be also entered the Name of One Grantor and of One Grantee, with the Number of the Memorial wherein such Names and Denominations are to be found, corresponding with the Number entered in the Abstract Book, and with the Number and Page of the Registry Book where such Memorial is copied; and each Book or Part of a Book appropriated as an Index for the Denomination of Lands, Tenements, or Hereditaments in any City or Town, shall comprise Divisions for the several Parishes within such City or Town respectively, alphabetically arranged; and the Entries of the several Denominations (which Entries shall comprise the same Particulars as the similar Entries in the County Books, and also the Names of the Streets in such Cities or Towns wherein the Lands or Premises denominated are situate,) shall be made in alphabetical Order under the Heads of the appropriate Divisions of Parishes, in like Manner as the Entries under the Heads of Baronies in the County Books.

No Books for private Information of Bankers, &c. shall be kept in Registry Office, nor any Information given but upon regular Searches.

XV. And be it further enacted, That no Book containing Entries or Abstracts of registered Mortgages or Annuity Deeds shall be kept in the said Registry Office for the private Use or Benefit or Inspection of any Bankers, Merchants, or others; nor shall any Copies of any registered Memorials of anonymous Partnership Deeds be given or delivered to any Bankers, Merchants, or others; and no Information whatever shall be given with respect to any Memorial or Registry of any Deed, or with respect to the Contents or Effect of any Deed, Matter, or Thing registered in the said Registry Office, otherwise than upon Application duly made to the proper Officers at the said Registry Office, and on Search and Certificate made in each individual Case by such Officers in due Form, and for which such Fees and no others shall be paid as are authorized by this Act.

Officers when required shall make Searches and give Abstracts and Certificate.

XVI. And be it further enacted, That the proper Officer or Officers in the said Registry Office, whenever thereto required in Writing by any Person, shall make Searches for the Memorials of all or any Acts done by any Person or Persons named, either concerning any Lands, Tenements, or Hereditaments generally within any specified Period, or concerning any specified Lands or Premises within any specified Period, or for all or any Acts affecting any Lands or Premises named within any specified Period; and whenever and so often as any Officer shall be required to make any such Search, such Officer shall make and certify such Search, and shall deliver an authentic Extract from the Registry Books or Abstract Books, setting forth Abstracts containing the several Particulars (under the Heads comprised in the Form marked (B.) to this Act annexed) of all registered Memorials coming within the Terms of the Requisition for such Search, and that such Officer shall keep and file every such Requisition for a Search; and that a true Copy of every such Requisition shall be made by such Officer, whereunto the said Abstracts shall

shall be subjoined, with a Certificate in the following Form, subscribed by such Officer:

Form of Certificate.

'UPON diligent Search made in the Registry Office at *Dublin*, I 'certify, That no Memorials coming within the Terms of the 'above Requisition are registered, whereof an Abstract is not herein 'truly set forth.'

Copies of Memorials (proved as Copies of other Records) may be produced in Evidence, unless objected to on Notice.

XVII. And be it further enacted, That in all Proceedings before any Court of Justice, and for all Purposes whatever, a Copy of any Memorial entered and registered in the said Office, which shall be authenticated and proved in like Manner as Copies of any other Record, may and shall be received and taken as Evidence of the Contents of such Memorial, and as if the original Memorial were produced; and that where it shall be the Intention of any Party to produce such Copy of any Memorial as Evidence, such Party shall apprise the adverse Party thereof by Notice, and if such adverse Party shall not assent thereto, but shall require the original Memorial to be produced, such adverse Party shall signify such Dissent and Desire by a counter Notice; and that the Expence of producing any original Memorial shall in any such Case be defrayed by either Party, as the Court in which such Proceeding shall be held, or the Taxing Officer of such Court, may determine.

Nothing herein to give any Person any Right of Access to Books, &c. except under the established Regulations, or to take Copies.

XVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to give to any Person whatever a Right of Access to any of the Books in said Office, except under such Regulations as shall be established therein, to be approved of by the Lord Chancellor and Master of the Rolls, for the due Preservation of the same, nor any Right whatever to any Person whatever, except an Officer or Clerk employed in said Office, to take a Copy or Copies or Extract or Extracts of or from the Memorials registered in said Office, or of or from any of the Entries contained in any of the Books thereof.

TABLE

TABLE (A.) referred to by this Act.

FEES to be taken for the Performance of the DUTIES in the PUBLIC REGISTRY OFFICE in DUBLIN, in lieu of all former Fees and Emoluments.

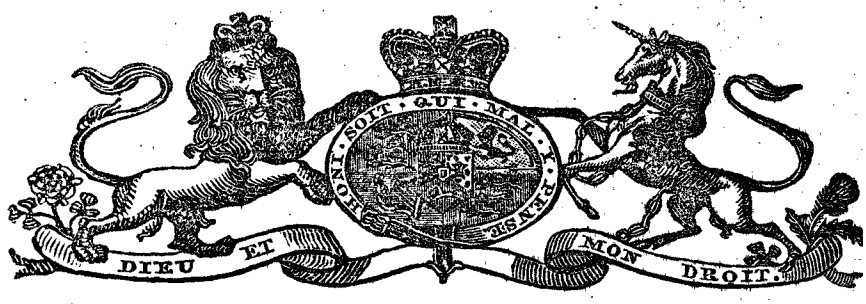
	£	s.	d.
For the Entry of every Memorial (except Memorials of Civil Bill Decrees), and giving Certificate of Registry thereof on the Deed or Instrument produced, including the Fee for inspecting Stamps, (and to be paid for on the Delivery thereof for Registry,) —			
Where the Contents of such Memorial shall not exceed One thousand Words	0	10	0
If such Memorial shall exceed One thousand Words, then for each One thousand Words	0	10	0
And where there shall be a fractional Number beyond any One thousand Words, if such Number shall not exceed Five hundred Words, then for such fractional Number	0	5	0
And if it shall exceed Five hundred Words	0	10	0
For the Entry of every Memorial of a Civil Bill Decree, and giving Certificate of Registry thereof	0	2	6
For each Entry of Dissolution of anonymous Partnership	0	5	0
For the Entry of Certificate of Satisfaction of a Mortgage and giving Certificate thereof, the same Fee as for the Entry of the Memorial of any Deed or other Instrument.			
For each Copy which shall be required of any Memorial or Certificate entered in the Registry Office, such Copy to be certified by the Officer, (the Fee and Stamp Duty thereon to be deposited at the Time of bespeaking such Copy,) —			
If not exceeding Three Sheets of Seventy-two Words each	0	1	6
If more, then per Sheet (and for the last Fraction of a Sheet)	0	0	6
For every Search in the Office Books which shall be made in one Day by any Person not employed in the Office	0	2	6
For every Search which any Officer shall be required to make, and for the Certificate upon such Search, (the Fee and Stamp Duty thereon to be deposited on Delivery of the Requisition for such Search,) —			
If the Number of References occurring in the Progress of such Search shall not exceed Ten	0	6	8
If exceeding Ten, and not exceeding Twenty	0	10	0
If exceeding Twenty, and not exceeding Forty	0	15	0
If exceeding Forty, then for each additional Reference	0	0	2
For every Abstract of a Memorial contained in the Certificate of each such Search	0	1	0
Production of Memorial in Dublin, for each Day's Attendance	0	10	0
At any Place out of Dublin, as for Two Days actual Attendance	1	0	0
And for every Day's actual Attendance beyond a Second Day	0	10	0
For the Expence of travelling to and from any Place at which such Attendance shall be required, for every Mile travelled	0	1	0
The Amount of the Attendance and Expence of travelling for the Production of any Memorial at any Place out of Dublin to be deposited with the Deputy Registrar on his Demand thereof.			

TABLE (B.) referred to by this Act.

FORM for entering of MEMORIALS in ABSTRACT BOOK.

Number in the Memorial.	General Nature of the Instrument.	Names of Grantors, and of One or more Grantees.		Names and Description, and Lands & Premises.	Number and Page of the Registry Book where the Memorial is entered.
		Grantors.	Grantees.		

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. LVIII.

An Act to regulate the granting of Certificates, by Justices of the Peace and Magistrates, authorizing Persons to keep common Inns, Alehouses, and Victualling Houses, in *Scotland*, in which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may be sold by Retail under Excise Licences; and for the better Regulation of such Houses; and for the Prevention of such Houses being kept without such Certificate.

[15th *July* 1828.]

WHEREAS the Laws now in force respecting Licences or Certificates to be granted by Justices of the Peace and Magistrates to Persons to keep common Inns, Alehouses, or Victualling Houses, for the Purpose of enabling them to obtain Excise Licences for the Sale of Ale, Beer, Spirits, Wine, or other Exciseable Liquor, by Retail, to be drunk or consumed upon the Premises in which the same is sold, in *Scotland*, are defective, and require to be altered and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

The Acts 44 G. 3. c. 55. and 48 G. 3. c. 143. repealed, except as herein mentioned.

assembled, and by the Authority of the same, That from and after the passing of this Act, an Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, for more effectually preventing the Sale of Exciseable Liquors in *Scotland* by Persons not duly licensed, and for altering the Times of granting Licences to sell such Exciseable Liquors by Retail, and also an Act passed in the Forty-eighth Year of His said late Majesty, for repealing the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other Exciseable Liquors by Retail, and for granting other Duties in lieu thereof, and all other Laws and Provisions in force before and at the Commencement of this Act, respecting such Licences or Certificates to be so granted as aforesaid by Justices of the Peace or Magistrates in that Part of *Great Britain* called *Scotland*, shall be, and the same, in so far as they relate to such Licences or Certificates being granted as aforesaid, are hereby respectively repealed, save and except in so far as the same repeals or repeal any other Law or Laws before in force, and save and except as to any Fine, Penalty, or Forfeiture incurred under the said Laws or any of them hereby repealed before the Commencement of this Act, and save and except as to any Certificates then in force, which shall continue in force until the next Half-yearly Meeting for granting Certificates as after mentioned, but no longer.

Meetings of Justices for granting Certificates.

II. And be it further enacted, That throughout *Scotland* there shall be annually held, for the Purpose of granting Certificates to Persons to keep common Inns, Alehouses, or Victualling Houses, to sell Exciseable Liquors by Retail, to be drunk or consumed in the Premises in which the same is sold, Two General Meetings of the Justices of the Peace in every County, so long as not divided into Districts in manner herein-after mentioned, and Two General Meetings of the Magistrates of every Royal Burgh, which Meetings shall be called "The General Half-yearly Meetings for granting Publicans Certificates."

Meetings by Magistrates of Royal Burghs for granting Certificates to be held in April and October yearly.

III. And be it further enacted, That the Magistrates of Royal Burghs shall meet for granting such Certificates, within the Royalty of the said Burgh respectively as aforesaid, upon the last *Tuesday* of *April* and the last *Tuesday* of *October* in each Year, with Power to them to adjourn such Meetings from Day to Day as they shall think fit, during the Period of Seven lawful Days following and next after the Day of their first Meeting, and no longer: Provided always, that Magistrates of Royal Burghs shall in no Case have Power to grant such Certificates as aforesaid for Inns, Alehouses, or Victualling Houses to be kept beyond the Royalty of the Burgh; and if any such Certificate shall be granted contrary hereto, the same shall be and is hereby declared to be null and void to all Intents and Purposes.

Meetings by Justices for Counties to be held in May and October.

IV. And be it further enacted, That the Justices of the Peace for the several Counties in *Scotland* shall assemble, for granting such Certificates for their several Counties respectively, upon the first *Tuesday* of *May* and the last *Tuesday* of *October* in each Year, with Power to them to adjourn such Meetings from Day to Day, as they shall think fit, during the Period of Seven lawful Days following and next

after the Day of their first Meeting, and no longer: Provided always, that such Justices shall not have Power to grant such Certificates for the Royalty of any Royal Burgh, except as after mentioned; and if any such Certificate shall be granted contrary hereto, the same shall be and is hereby declared to be null and void to all Intents and Purposes.

Justices may divide Counties into Districts for the Purposes of this Act.

V. And be it further enacted, That it shall be lawful for the Justices of the Peace of any County, assembled at a Meeting to be held on the same Day on which the First *Michaelmas* Head Court of the County shall be held after the passing of this Act, to divide the County into Districts for the Purposes of this Act, within which such Justices shall assemble at a Place to be by them appointed, for considering and disposing of Applications under this Act, at the Times before specified; and Notice of the Place of meeting so to be appointed, and of the Name and Residence or Office or Place of Business of a Clerk or Depute Clerk within such District, with whom Applications and Recommendations may be lodged in Terms of this Act (as after mentioned), shall be given by Advertisement at the Church Doors of every Parish Church within the District, for Two several *Sundays* at least, before the first holding of such District Meeting so appointed: Provided always, that it shall be lawful for the Justices of the Peace of any County, at any *Michaelmas* Meeting as aforesaid, after previous Notice by Three Advertisements published One Month before such *Michaelmas* Meeting in any Newspaper or Newspapers circulated within the District to be affected by the Change proposed to be made, at any Time to alter or change any District or Place of District Meeting by them appointed, due Notice thereof being given, in like Manner as aforesaid, at every Parish Church before the next holding of such District Meeting.

Notice to be given thereof.

Justices may alter any District on like Notice.

If not sufficient Justices acting for any Royal Burghs, the Justices of the County may act.

VI. And be it further enacted, That if in any Royal Burgh there shall not be a sufficient Number of Magistrates present who are qualified to grant Certificates according to the Directions of this Act, at any Time when such Certificates are hereby appointed to be granted, in such Case it shall and may be lawful for the Justices of the Peace of the County in which such Royal Burgh is situated to grant Certificates for such Royal Burgh, at the same Time and in the same Manner as they are hereby empowered to grant Certificates for the County: Provided always, that any Magistrates of such Burgh, so qualified, may and are hereby authorized and empowered in such Case to act along with such Justices in granting such Certificates.

Certificates to be granted.

VII. And be it further enacted, That at such General or District Meetings, or at any Adjournment thereof, within the respective Periods aforesaid, it shall be lawful for the said Justices and Magistrates respectively to grant Certificates for the Year next ensuing, commencing as after mentioned, to such and so many Persons as the Justices or Magistrates then assembled at such General or District Meeting, or the major Part of them, shall think meet and convenient, to keep common Inns, Alehouses, or Victualling Houses, within which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may, under Excise Licences, be sold by Retail, to be drunk or consumed

sumed in the Premises, within their respective Counties, Districts, or Royal Burghs; and such Justices or Magistrates shall deliver or cause to be delivered to every Person so authorized or empowered a Certificate, written or printed on Paper, in such Form as herein-after directed: Provided always, that all such Meetings shall be held with open Doors; and that it shall not be competent to refuse the Renewal of any Certificate without hearing the Party in support of the Application for Renewal in open Court, if such Party shall think fit to attend; and that there shall be at least Two Justices of the Peace or Magistrates respectively present at such Meetings; and any Certificate granted otherwise than at such Meetings shall be void and of no Effect.

Proviso as to Meetings for granting Certificates.

Certificate to be confined to one House and Premises.

VIII. And be it further enacted, That no such Certificate as aforesaid shall entitle any Person to keep a common Inn, Alehouse, or Victualling House, or to obtain an Excise Licence for selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors, by Retail, to be drunk or consumed in any other House or Premises than the House and Premises specified in such Certificate: Provided always, that nothing in this Act contained shall be construed to prohibit any Person who shall have obtained such Certificate from selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors, in Boats or Vessels moored in Rivers, at any Time, or in Houses, Booths, or other Places, at the Time and within the Limits of the Ground, Town, or Place in or upon which is holden any lawful Fair, in the same Parish with the House or Premises for which any Person shall have obtained a Certificate as aforesaid, or in any Parish immediately adjoining thereto.

Proviso as to Fairs, &c.

Certificate to be in force for a Year.

IX. And be it further enacted, That every such Certificate as aforesaid shall be in force for One whole Year, commencing at the Term of *Whitsunday*, or for Six Months from *Martinmas* respectively, according to the Period of the Year at which such Certificate was granted, and no longer.

Application to be lodged with the Clerk of the Magistrates Ten Days before the Meeting for granting Certificates.

X. And be it further enacted, That in all Cases a written or printed Application shall be lodged with the Clerk of the Magistrates of the Royal Burgh, or of the Justices of the Peace for the County, at least Ten Days before the First Day of the General or District Meeting for granting such Certificates, setting forth the Name and Designation of the Applicant, and specifying the House or Premises, for which such Applicant craves that such Certificate may be granted, by the Name of the Street or Place, and the Number of the House, or other particular Description; and that a Fee of Two Shillings, and no more, shall be payable to the Clerk at lodging such Application.

Magistrates may make Regulations regarding Applications.

XI. And be it further enacted, That it shall be lawful for the Justices or Magistrates respectively, assembled at any such General or District Meeting as aforesaid, to make such Regulations and Rules as they shall think fit, not being inconsistent with the Provisions of this Act, as to the Manner of making such Applications, as well for ascertaining the Character of the Applicants, as whether it be expedient to grant such Certificates in the Places in which they are sought

sought to be obtained, and also as to the Mode of proceeding in transferring Certificates as herein-after mentioned.

Names and Designations of Applicants to be entered in a Book, and kept by the Clerk.

XII. And be it further enacted, That the Names and Designations of all Persons who make Applications for such Certificates shall be entered in a Book or Register, to be kept by the Clerk of such Justices or Magistrates respectively, wherein the Names and Designations of new Applicants shall be entered separately, which Book or Register shall contain Columns for the Designations of such Applicants, for the Names of the Persons who recommend them, for the House and Place for which such Certificate is applied, for the Manner in which the Application is disposed of, and for noting a Memorandum of Convictions under this Act against such Persons respectively, and the Dates thereof; and the Cases of new Applicants shall not be considered until all the other Cases shall have been disposed of; and that at the End of the Meeting for each Day, a Deliverance shall be written in such Book or Register, specifying whether such Applications respectively were granted or refused, or continued for farther Inquiry, or how otherwise disposed of; and such Deliverance shall be then and there signed by the major Part of such Justices or Magistrates so assembled, or by the Preses of the Meeting, according to the Form contained in the Schedule annexed to this Act, therein designated by the Letter A.; and it shall not be lawful for the Justices or Magistrates at any adjourned Meeting to alter any thing which was done at any previous Meeting in granting or refusing such Certificates; and the Clerk of such Justices or Magistrates shall make out a Certificate in the Form contained in the Schedule annexed to this Act, designated by the Letter B., specifying the Date from which such Certificate shall be current.

Result of such Applications to be also entered.

Persons interested not to act as Justices.

XIII. And be it further enacted, That no Justice of the Peace or Magistrate in any County or Royal Burgh, who is a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, or who shall be in Partnership with any Person as a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, shall act as such Justice of the Peace or Magistrate respectively in the Execution of this Act; nor shall any Justice of the Peace or Magistrate act in the granting of any Certificate when he shall be the Proprietor or Tenant of the House or Premises for which such Certificate shall be applied for; and every thing done by a Justice of the Peace or Magistrate respectively in any Case in which he is so disqualified to act shall be null and void; and every Justice of the Peace or Magistrate, who shall knowingly or wilfully offend in any of the Premises aforesaid, shall forfeit and pay the Sum of Fifty Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, within Six Calendar Months next after the Offence has been committed.

Appeal as to Certificates.

XIV. And be it further enacted, That if any Justice of the Peace, or Proprietor or Occupier of any House in respect whereof any such Certificate shall be applied for, shall be dissatisfied with any Proceeding of any Justices or Magistrates assembled for granting Cer-

tificates as aforesaid, whether in granting or refusing or otherwise disposing of any such Application, it shall be lawful to such Justices of the Peace, Proprietor, or Occupier, to appeal therefrom to the next Quarter Sessions of the Peace for the County: Provided always, that such Appeal shall be lodged with the Clerk of the Peace within Ten Days after such Proceeding; and provided such Appellant, being a Proprietor or Occupier as aforesaid, shall find Caution to abide such Appeal and the Expences thereof, and shall give Intimation of such Appeal to the opposite Party, and to the Justices of whose Proceeding he complains.

Licensed Persons to use, in Sale of Liquors, Standard Measures.

XV. And be it further enacted, That every Person licensed to sell Exciseable Liquors by Retail, to be drunk or consumed in his House or Premises, shall sell or otherwise dispose of all such Liquors by Retail therein (except in Quantities less than Half a Pint), by the Gallon, Quart, Pint, or Half Pint Measure, sized according to the Standard, and shall, if required by any Guest or Customer purchasing such Liquor, retail the same in a Vessel sized according to such Standard, and in default thereof he shall forfeit and pay for every such Offence the illegal Measure and a Sum not exceeding Forty Shillings, to be recovered, with Expences, at the Instance of any Person who shall prosecute for the same, before the Sheriff or Justices of the Peace; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Penalty on Clerk for unduly giving or refusing Certificate.

XVI. And be it further enacted, That if any Clerk of the Peace or Town Clerk respectively shall knowingly and wilfully issue or deliver any such Certificate as aforesaid, contrary to the Deliverance in such Book or Register, or to any Person not duly authorized to receive the same by the Justices or Magistrates assembled at such General or District Meeting, or if any such Clerk shall knowingly and wilfully insert any untrue Date in any such Certificate, or shall refuse to deliver such Certificate to any Person duly authorized as aforesaid to receive the same, every such Clerk shall for every such Offence forfeit the Sum of Twenty Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, during the Period of One Year for which such Certificate appears to have been granted or ought to have been granted, or within Six Months after the Expiry of the said Period.

List of Certificates to be sent to the Excise Collector of the District.

XVII. And be it further enacted, That within Eight Days next after the Time during which such Meetings as aforesaid may be held respectively shall have expired, the Clerks of such Magistrates and Justices respectively shall transmit to the Collector or Supervisor of Excise in the particular Collection or District in which any such Certificate shall have been granted, a List of all the Persons there who have obtained such Certificates for that Collection or District for the current Year, which List shall be made out from the Books or Registers herein-before appointed to be kept by such Clerks respectively, and shall contain the same Heads and Titles, filled up according to the Deliverance signed by the Justices and Magistrates assembled at the Meeting; and every such List, when so made out, shall be duly certified by the Subscription of such Clerks respectively, and transmitted

as aforesaid; and such Clerk shall, upon the Delivery thereof, be entitled to receive from such Collector or Supervisor as aforesaid a Remuneration for his Trouble in making out the same, at and after the Rate of One Penny for the Name of each Person contained in such List, to whom it has been resolved that a Certificate shall be granted as aforesaid; and if any such Clerk shall refuse or neglect to make out and send such Lists as aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds, to be recovered, by any Person authorized by the Commissioners of Excise to prosecute for it, before the Sheriff of the County, within Six Calendar Months next after the Offence has been committed.

No Licence to be granted to any Person unless he shall have obtained the Justices Certificate.

XVIII. And be it further enacted, That no Licence for the Sale of any Exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, shall be granted by the Commissioners of Excise, or by any Officer of Excise, to any Person whatsoever, unless such Person shall have previously obtained from the Justices a Certificate under this Act, and which said Certificate of such Justices shall be retained by such Person, after being produced to the Commissioners or Officers of Excise; and every Licence granted by the Commissioners of Excise, or by any Officer of Excise, contrary to this Provision, shall be null and void to all Intents and Purposes.

Certificates may be transferred.

XIX. Provided always, and be it enacted, That if any Person duly authorized to keep a common Inn, Alehouse, or Victualling House as aforesaid, shall die before the Expiration of the Certificate to him or her in that Behalf granted, it shall be lawful for any Two or more of the Justices of the Peace or Magistrates of the County or Royal Burgh respectively, in which such House and Premises are situated, to grant to the Executors, Representatives, or Disponees of the Person so dying, and who shall be possessed of such House or Premises, a Transfer of the Certificate to keep and continue such House or Premises as a common Inn, Alehouse, or Victualling House, as before such Death, until the next General or District Meeting to be held under the Authority of this Act; and provided also, in like Manner, that if any Person so authorized, or the Executors, Representatives, or Disponees of a Person dying so authorized, and who, upon such Death, shall have obtained such Transfer of Certificate as aforesaid, shall remove from or yield up the Possession of the House and Premises for which such Certificate shall have been granted, it shall be lawful for Two or more Justices of the Peace or Magistrates respectively as aforesaid, sitting publicly in their ordinary Place of Meeting, to grant to any new Tenant or Occupier of such House and Premises, upon such Removal, a Transfer of the Certificate to keep such House and Premises as a common Inn, Alehouse, or Victualling House, as before such Removal, until the next General or District Meeting to be held under the Authority of this Act.

Transfer of Certificate to be in the Form contained in the Schedule.

XX. And be it further enacted, That the Transfer Certificate to be granted on such Death or Removal as aforesaid shall be in the Form contained in the Schedule annexed to the Body of this Act, and therein designated by the Letter C., and shall be held on the same Terms and Conditions, and in the same Manner, as a Certificate granted

granted at any General or District Meeting, for which Transfer Certificate a Fee of One Shilling and no more shall be payable to the Clerk.

Penalties for Offences against the Terms of the Certificate.

XXI. And be it further enacted, That every Certificate to be granted under the Authority of this Act shall be and be held on the Terms, Provisions, and Conditions therein contained; and in case any Person or Persons authorized to keep a common Inn, Alehouse, or Victualling House under such Certificate, and having Excise Licences for the Sale of Ale, Beer, Spirits, Wine, or other Exciseable Liquors, to him or her in that Behalf granted, shall offend against any of the Terms and Conditions contained in such Certificate, every Person so offending shall for every such Offence forfeit and undergo the several Penalties and Disabilities herein-after mentioned; that is to say, for

1st Offence.

the First Offence the Sum of Five Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Fourteen Days next after such Conviction shall have taken place, the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of One Calendar Month, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Penalty, and the Expences of such Conviction, and of executing the same; and in addition to such Penalty, the Certificate granted to such Person may be declared to be forfeited and to become void and null;

2d Offence.

and for the Second Offence the Offender shall forfeit the Sum of Ten Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Fourteen Days next after such Second Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Two Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Second Penalty, and the Expences of Conviction, and of executing the same; and in addition to such Penalty, the Certificate granted to such Person may be declared to be forfeited and to

3d Offence.

become void and null; and for the Third Offence, the Offender shall forfeit the Sum of Twenty Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within Fourteen Days after such Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Four Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Third Penalty, and the Expences of Conviction, and of executing the same; and in addition to such Penalty, the Certificate granted to such Person shall be declared to be forfeited and

Penalties may be mitigated.

to become void and null; and it is hereby provided and declared, that the several Penalties and Terms of Imprisonment before mentioned may be mitigated by the Court; provided always, that by such Mitigation such Penalties and Terms of Imprisonment respectively shall not be reduced to less than One Fourth Part thereof.

What shall be deemed 2d and 3d Offences.

XXII. And be it further enacted, That if any Person shall have been convicted of any Breach of the Terms and Conditions of the Certificate held by him or her in one Year as a First Offence, and such Person shall,

shall, in the following or any subsequent Year within Three Years after, be charged with a Breach of the Terms and Conditions of any other such Certificate subsequently obtained by such Person, and be thereof convicted, such Conviction shall be deemed and taken to be a Conviction for a Second Offence; and so in like Manner, if such Person shall be again convicted within Three Years, it shall be deemed and taken to be a Conviction for a Third Offence within the Meaning of this Act; and that notwithstanding of such Second or Third Offence being in breach of other and different Terms and Conditions, or of other and different Certificates obtained subsequently to the Certificate for the Breach of the Conditions of which the First or Second Conviction took place.

Manner of Complaint and Form of Procedure.

XXIII. And be it further enacted, That it shall be lawful for any Person or Persons to make Complaint unto and before the Sheriff, or before any Two or more Justices of the Peace for the County, or before the Court of any Royal Burgh within whose Jurisdiction the Person complained against shall reside, stating in such Complaint that the Defender is a Person keeping a common Inn, Alehouse, or Victualling House, under a Certificate to him or her in that Behalf granted, and selling Ale, Beer, Spirits, Wine, or other Exciseable Liquors by Retail under Excise Licences, and setting forth the particular Breach or Breaches of the Terms and Conditions of the Certificate complained of, and also whether it is the First, Second, or Third Offence, as the Case may be; and thereupon the Sheriff or Bailie, or the Justices to or before whom such Complaint shall have been made, shall grant a Warrant to the Officers of Court to summon the Party complained against to appear at a Time and Place to be specified in such Warrant and Summons, (such Summons being served at least Six free Days before the Diet of Appearance,) to attend the Hearing of such Complaint; at which Time and Place, if the said Party shall appear and plead to such Charge, or in case of his or her not Appearance, on Proof by the Oath of the Constable or other Officer of his having served such Summons as herein-after directed at least Six free Days prior to the Diet of Appearance, it shall be lawful for such Sheriff or Bailie, or Two or more Justices of the Peace, to inquire into the Truth of the Allegations in such Complaint, and on the same being proved, either by the Confession of the Party complained against, or by the Testimony on Oath (or Affirmation, if a Quaker) of One or more credible Witness or Witnesses, or upon other legal Evidence, to pronounce Judgment, and convict the Party of the Offence complained against, without any written Pleadings or Record of Evidence; it being hereby provided, that a Record shall be preserved of the Charge and of the Judgment pronounced: Provided always, that if such Sheriff, Bailie, or Justices shall see Cause, it shall be lawful to adjourn the Hearing of such Complaint to a subsequent Day, to be by them at that Time appointed; and it shall be lawful for any Sheriff, Bailie, or Justices, before whom Proceedings shall be had for the Recovery of any of the Penalties before mentioned, to summon before him or them any Witness or Witnesses, and to require them to produce any such Writings or Entries as may be required for the due Decision of the Case before them; and all such Records, to be so preserved as aforesaid, shall be in the Form contained in the

Schedule annexed to the Body of this Act, therein designated by the Letter D., or to such Effect.

Service of Notice to appear.

XXIV. And be it further enacted, That when any Warrant shall be issued for summoning any Person to appear and answer to any Complaint for committing a Breach of the Terms and Conditions of the Certificate to him or her in that Behalf granted, the directing such Summons to such Person by the Name in which such Certificate shall have been granted, or by the Name by which such Person is or has been usually known, whether the same be the real or assumed Name of such Person, and the leaving a Copy of the Complaint and of the Warrant for summoning such Person, with a Citation annexed, subscribed by the Officer, at the House, Outhouse, or Premises in which the Offence shall have been committed, or if Admittance cannot be obtained, the affixing a Copy thereof on the Door or other conspicuous Part of the Outside of such House or Premises, shall be deemed and taken to be as good, legal, and effectual a Summons as if the same had been personally delivered to the Party for whom such Summons was intended, and to whom the same was intended to be served.

Appeal to Quarter Sessions.

XXV. And be it further enacted, That if any Person shall consider himself or herself to be aggrieved by any Judgment, whether of Conviction or of Absolvitor, given upon any Complaint presented under this Act, by any Two or more Justices of the Peace, it shall be lawful to such Person to appeal therefrom to the Justices assembled at the next Quarter Sessions held for the County in which the Judgment so appealed against was given, which Justices are hereby authorized and required to hear and finally adjudge such Appeal: Provided always, that no such Appeal shall be heard, unless the Appellant shall, within Eight Days next after such Judgment, lodge his Appeal with the Clerk of such Justices of the Peace, and shall find Caution with such Clerk to abide such Appeal, and to pay such Sums as shall be finally awarded, and shall give Intimation of such Appeal by serving a Copy thereof upon the opposite Party within the said Period of Eight Days.

No Review to be had by a Superior Court.

XXVI. And be it further enacted, That no Process of Review by any Superior Court of the Judgments to be pronounced under this Act by such Justices of the Peace, Quarter Sessions, or Sheriffs, shall be competent, either by Advocation, Suspension, Reduction, or otherwise.

Clerk of the Peace to make a Duplicate of the Certificate when required, which shall be admitted as Evidence.

XXVII. And be it further enacted, That every Clerk of the Peace and Clerk of any Royal Burgh shall, when lawfully required, make out from the Books to be kept by them as aforesaid a Duplicate or Counterpart of any Certificate issued by them, for which he shall be entitled to receive a Fee of One Shilling; which Duplicate, being duly certified by such Clerk, shall be admitted as sufficient Evidence of the Facts therein contained, and of the Terms of such Certificate, in all Courts and legal Proceedings, without Production of the particular Certificate originally granted.

Convictions under this Act to be

XXVIII. And be it further enacted, That every Conviction under this Act for a Breach or Breaches of the Terms and Conditions of the

Certificate granted under the Authority of this Act shall, within Six Days after such Conviction, be transmitted by the Person who shall officiate as Clerk to the Justices or Magistrates at such Conviction to the Clerk of the Peace of the County, or Town Clerk of the Burgh, where the Party convicted shall reside, under a Penalty of Five Pounds, to be recovered by any Person who will prosecute for the same before the Sheriff of the County, within Six Months next after the Time when such Transmission ought to have been made; and such Clerk of the Peace and Town Clerk respectively shall keep such Convictions among the Records of the County or Town respectively, and shall also enter in the Book or Register required to be kept by them as aforesaid, and opposite to the Name of the Person therein entered to whom the same applies, the Date of the Conviction, specifying therein whether the same is the First, Second, or Third Conviction; and the said Book or Register shall be produced by the Clerk of the Peace and Town Clerk at every General or District Meeting of Justices and Magistrates to be held in pursuance of this Act.

transmitted to the Clerk of the Peace, and by him registered.

XXIX. And be it further enacted, That the Clerk of the Peace of every County, and the Town Clerk of every Royal Burgh, shall certify to the Commissioners of Excise in *Scotland*, or to the Collector or Supervisor of Excise in the particular Collection or District, the Conviction of every Person convicted of an Offence in Breach of the Conditions and Terms of his or her Certificate, by which Conviction such Certificate has thereupon been adjudged null and void, which Certificate of Conviction shall be transmitted to the said Commissioners of Excise, or Collector or Supervisor, within Six Days next after such Conviction shall have taken place, if such Clerk officiated as Clerk to the Justices or Magistrates at such Conviction, and if such Clerk did not so officiate, then within Six Days after such Conviction shall have been transmitted to him, on pain of the said Clerk of the Peace, or Town Clerk, forfeiting for every Neglect so to do the Sum of Five Pounds, to be recovered, by any Person who will prosecute for the same, before the Sheriff of the County, within Six Months next after the Transmission by this Act ought to have been made; and such Certificate of Conviction shall be in the Form contained in the Schedule annexed in the Body of this Act, and designated by the Letter E.

Clerk of the Peace to certify Convictions to the Commissioners of Excise.

XXX. And be it further enacted, That every Person in *Scotland*, who, after the Commencement of this Act, shall keep a common Inn, Alehouse, or Victualling House, and sell Ale, Beer, Spirits, Wine, or other Exciseable Liquors, by Retail, to be drunk or consumed on such Premises, or the Places immediately adjoining the same, without a Certificate to him or her in that Behalf granted, according to the Provisions of this Act, shall, upon his or her being convicted thereof, as herein-after mentioned, forfeit and pay for the First Offence the Sum of Seven Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Four Days next after such Conviction shall have taken place, the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Six Weeks,

Penalties for selling without Certificate.

1st Offence.

Weeks, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Penalty, and the Expences of such Conviction, and of executing the same; and for the Second Offence the Offender shall forfeit the Sum of Fifteen Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within the Space of Four Days next after such Second Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Three Calendar Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Second Penalty, and the Expences of Conviction, and of executing the same; and for the Third Offence, the Offender shall forfeit the Sum of Thirty Pounds, with the Expences of Conviction, to be ascertained upon Conviction; and in case such Penalty and Expences shall not be paid within Four Days after such Conviction shall have taken place, then the Offender shall suffer Imprisonment upon his own Charges and Expences, for a Period of Six Months, in the Common Gaol or House of Correction, unless he or she shall sooner pay such Third Penalty, and the Expences of Conviction, and of executing the same; and it is hereby provided and declared, that the Penalties and Terms of Imprisonment before mentioned may be mitigated by the Court; provided always, that by such Mitigation such Penalties and Terms of Imprisonment shall not be reduced to less than One Fourth Part thereof: Provided always, that such respective Penalties shall be over and above any Penalty or Penalties which such Person so convicted may have incurred or paid, or be liable to pay, for or by reason of his or her selling such Ale, Beer, Spirits, Wine, or other Exciseable Liquors, under any Law or Laws relating to the Revenue of Excise: And provided also, that the said Penalties may be sued for and recovered before the Sheriff Court, or before any Two or more of the Justices of the Peace for the County, or the Court of the Royal Burgh, within whose Jurisdiction the Offender shall reside, by any Person who will inform and prosecute for the same, within Six Months after such Offence shall have been committed; and also, that the said Terms of Imprisonment may be imposed by the said Courts accordingly.

2d Offence.

3d Offence.

Penalties may be mitigated.

Recovery of Penalties.

Persons prosecuted may be convicted on their own Confession, or on the Oath of One Witness.

XXXI. And be it further enacted, That any Person prosecuted for keeping a common Inn, Alehouse, or Victualling House, and retailing as aforesaid, without such Certificate as aforesaid, may be legally convicted thereof on his or her own Confession, or on Proof by the Oath (or Affirmation, if a Quaker) of One or more credible Witness or Witnesses, or other legal Evidence; and all such Prosecutions shall be subject to the same Rules, Regulations, and Provisions, as Prosecutions for Breaches of the Terms of a Certificate granted under or by virtue of this Act, in so far as the same are applicable thereto.

Application of Penalties.

XXXII. And be it further enacted, That it shall be lawful for any Sheriff, Justices, or Magistrate, by whom Judgment shall be given for any Penalties under the Provisions of this Act, to award any Portion of the same, not in any Case exceeding One Moiety thereof, for the Use of the Prosecutor, and the Remainder to the Kirk Treasurer of the Parish within which the Offence was committed, or to any Public Asylum

Asylum or charitable Institution, as the said Sheriff, Magistrate, or Justices convicting shall think proper.

Limitation of Actions.

XXXIII. And be it further enacted, That every Action or Prosecution against any Sheriff, Justice of the Peace, Magistrate, Constable, or other Person, on account of any thing done in Execution of this Act, shall be commenced within Three Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Penalty on Clerk taking illegal Fees.

XXXIV. And be it further enacted, That if any Clerk shall demand or receive any greater or additional Fee, or any other Reward, for any thing done under this Act, than is thereby expressly authorized, or than is authorized by the Schedule annexed to this Act, and designated by the Letter F., such Clerk so offending shall for every such Offence forfeit and pay the Sum of Five Pounds to any Person who may prosecute for the same.

Commencement of Act.

XXXV. And be it further enacted, That this Act shall commence and take effect from and after the First Day of *August* next after the passing of this Act.

Act may be repealed.

XXXVI. And be it further enacted, That this Act may be varied, amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

A.

FORM of REGISTER of APPLICATIONS.

Nos.	Names and Designations.	Houses and Places.	Persons recommending.	How disposed of.	Convictions and Dates thereof.
1.					
2.					

A similar Form for new Applications.

Deliverance.
(At the End of each Day's Register.)
At May.
Numbers 2. 3. 6. (*as the Case may be*) granted.
Numbers 1. 4. 5. refused.
Numbers 7. 8. continued (*or otherwise disposed of*).

G. H. P.

(B.)

FORM of CERTIFICATE.

AT a General Meeting for granting Publicans Certificates, held by His Majesty's Justices of the Peace acting in and for the County, [*or* of the Magistrates of the Royal Burgh, *as the Case may be*,] holden at within the said County [*or* Burgh], on the Day of in the Year One thousand eight hundred and for the Purpose of authorizing Persons to keep common Inns, Alehouses, and Victualling Houses, His Majesty's Justices of the Peace acting in and for the said County, [*or* the Magistrates of the Burgh,] assembled at the said Meeting, did authorize and empower *A.L.*, now dwelling at the Sign of the at in the Parish of and County [*or* Burgh] aforesaid, to keep a common Inn, Alehouse, or Victualling House, for the Sale in the said House, but not elsewhere,

of Victuals and all such Exciseable Liquors as the said *A.L.* shall be licensed and empowered to sell under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread and other Victuals, Beer, Ale, and Liquors, sold by him, or sell the same, knowing them to have been fraudulently adulterated, and do not use in selling the same any Weights or Measures which are not of the legal Standard, and do not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within the said House, Offices, or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys, to assemble and meet therein; and do not permit or suffer any unlawful Games therein, whereby the Lieges may be cozened and cheated; and do not keep open House, or permit or suffer any drinking or tippling in any Part of the Premises thereunto belonging, during the Hours of Divine Service on Sundays, or other Days set aside for Public Worship by lawful Authority, nor keep the same open at unseasonable Hours; but do maintain good Order and Rule therein. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and for the Twelve Calendar Months next following, and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept, in Terms of the Act of Parliament.

C. D. Clerk.

(C.)

TRANSFER of CERTIFICATE.

[*Place and Date.*] WHEREAS *A.L.*, designed in the within Certificate for keeping a common Inn, Alehouse, or Victualling House, at for the Retail of Exciseable Liquors under Excise Licences, has died: And whereas *M.N.*, his Executor, is desirous to have the said Certificate transferred to him, in order that he may carry on the said Business there, [*or as the Case may be, in the Event of Removals*]: And whereas it is considered by us, Two of the Justices of the Peace for the County of [*or* Two of the Magistrates of the Royal Burgh of] that he is a Person fit to be intrusted to carry on the said Business there, we hereby transfer the said Certificate to him accordingly, subject to all the Conditions therein specified, in the same Manner as if he were the Person to whom it was originally granted; this Certificate to be of Force only until being the next General [*or* District] Meeting to be held for granting such Certificates; and to be duly presented for Entry at the Office of Excise, within Days from this Date, otherwise the same to be null and void to all Intents and Purposes.

G.H. J.P.
M.N. J.P.

(D.)

PROCEDURE for BREACH of CERTIFICATE.

(1.) COMPLAINT.

Unto the Honourable His Majesty's Justices of the Peace for the County of , [*or* Sheriff *or* Magistrates of the Burgh, *as the Case may be.*]

Humbly complains *A. B.*

That *C. D.*, residing at who keeps a common Inn, Alehouse, or Victualling House there, under a Certificate in that Behalf granted, and who sells Ale, Beer, Spirits, [*or* other Exciseable Liquors,] therein by Retail, under Excise Licences, has been guilty of a Breach of the Regulations of the said Certificate, in so far as [*state the Particulars, Time, and Place of the Offence*], and such Offence is the First [Second *or* Third] Offence: May it therefore please your Honours to impose the Penalties and award the Expences incurred by him, in Terms of Law, or otherwise to grant Warrant for imprisoning him, in Terms of Law, and also to declare his Certificate to be forfeited.

A. B.

(2.) WARRANT TO CITE.

[*Place and Date.*] The Justice [*or* Sheriff *or* Bailie], having considered this Complaint, grants Warrant to Constables to serve a Copy thereof, and of this Deliverance, upon the therein named and designed *C. D.*, and to cite him to appear personally to answer thereto, at upon the Day of at of the Clock Noon, with Certification; and also to cite Witnesses and Havers for both Parties, for the same Time and Place.

G. H. J. P.

(3.) CITATION, [*to be annexed to a Copy of the Complaint and Deliverance.*]

In Terms of the Complaint and Deliverance, of which a Copy is prefixed, I Constable, hereby summon and warn you *C. D.* to compear personally before His Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrates], to answer to the Complaint, at upon the Day of at of the Clock Noon, with Certification.

J. K. Constable.

(4.) CONVICTION.

At the Day of One thousand eight hundred and in Presence of *G. H.* Esquire, of , and *J. K.* Esquire, of , Two of His Majesty's Justices of the Peace for the County of , [*or* Sheriff *or* Bailie,] compeared *C. D.*, and the Complaint being read over to him, he confessed the Offence therein charged.

C. D.
G. H. J.P.
J. K. J.P.

[*or*] compeared *C. D.*, and the Complaint being read over to him, he denied the same; but it was proved against him by the Oath of *R. S.* a credible Witness; [*or*] *C. D.* having failed to appear, and due Proof by the Oath of Constable, being made, that he had duly summoned the said *C. D.*, and the Complaint being read over, the same was proved against him by the Oath of *R. S.*, a credible Witness; and therefore the Justices [*or* Sheriff *or* Bailie] convict the said *C. D.* of the Offence charged against him, being a First [Second *or* Third] Offence, and find him liable in the Sum of Penalty, and adjudge him to pay to the Complainer the Sum of being a Part of said Penalty, and the Remainder to and also to pay the Sum of , being the of Penalty, and of Expences of the Conviction, and that within Days after the Date hereof, with Certification of Imprisonment; [*if the Certificate be declared to be forfeited, add*] and farther adjudge his Certificate to be void and null from this Date.

G. H. J.P.
J. K. J.P.

(5.) WARRANT of IMPRISONMENT for Recovery of Penalty and Expences.

[*Place and Date.*] The Justices [*or* Sheriff *or* Bailie] in respect that the above-mentioned *C. D.* has not paid to the Sums of Penalty and Expences before-mentioned, within the Period allowed to him or her for doing so, which is now elapsed, grant Warrant to Constables of Court to apprehend him, and incarcerate him in the Tolbooth of , the Keepers whereof are hereby ordered to receive and detain him for the Period of from this Date, unless the said Sum shall be sooner paid.

G. H. J.P.
J. K. J.P.

Note.—The Proceedings against Persons selling Exciseable Liquors without having obtained a Certificate may be similar, *mutatis mutandis*.

(E.)

NOTICE of CONVICTION for Breach of Certificate, for which the Certificate has been forfeited.

Unto the Honourable the Commissioners of His Majesty's Excise in Scotland, or to the Collector of Excise of Collection or District in Scotland.

This is to certify, That *C. D.* of in the County [*or* Royal Burgh] of was, on the Day of in the Year One thousand eight hundred and at convicted before *G. H.* Esquire and *J. K.* Esquire, Two of His Majesty's Justices of the Peace for [*or as the Case may be*], for a Breach of the Conditions and Terms of the Certificate to him or her in that Behalf granted; and the Certificate of the said *C. D.* to keep a common Inn, Alehouse, or Victualling House, has by the foresaid Justices been adjudged null and void. Given under my Hand, this Day of in the Year One thousand eight hundred and

S. K. Clerk of the Peace.

(F.)

The following FEES, and no others, to be payable to the CLERKS acting under this Act.

	s.	d.
Complaint	2	0
Citation	1	0
Each Witness	1	0
Conviction	2	0
Warrant	2	6
Lodging Appeal and finding Caution	2	6
Deciding Appeal	2	6

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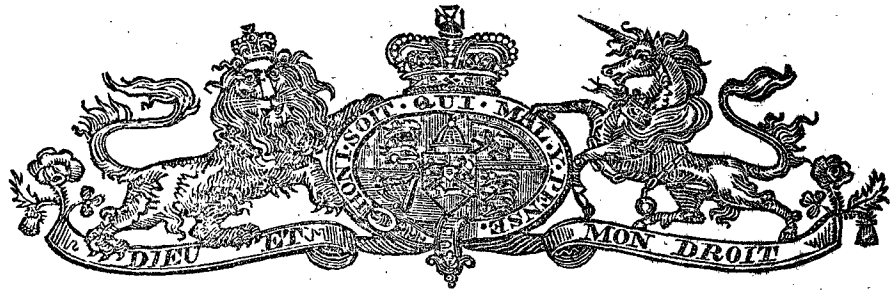

ANNO NONO

GEORGII IV. REGIS.

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CAP. LIX.

An Act to regulate the Mode of taking the Poll at the Election of Members to serve in Parliament for Cities, Boroughs, and Ports in *England* and *Wales*. [15th *July* 1828.]

WHEREAS much Inconvenience hath arisen at the Election of Members to serve in Parliament for Cities, Boroughs, and Ports, from the Want of a sufficient Number of Booths and Polling Places, or Divisions thereof, for the Voters to poll in: And whereas in many Instances the Duration of the Polls hath been vexatiously and unnecessarily protracted: And whereas it is expedient to provide further Regulations respecting the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, at every Election of a Member or Members to serve in Parliament for any City, Borough, Town, or Port in *England* or *Wales*, where the Number of Electors shall exceed Six hundred, if One or more Candidates beyond the Number which the City, Borough, Town, or Port is entitled to return as a Member or Members to serve in Parliament shall be put in Nomination, and a Poll demanded, the Returning Officer shall and he is hereby required, on the Requisition of any Candidate or his Agent, (such Requisition being in Writing, and signed with the Names of such Candidate or his Agent,) to divide the Polling

At Elections where the Electors exceed 600, the Returning Officer, on being so required by a Candidate, shall divide the Polling Place into Compartments.

Polling Place into Compartments according to the Number of Voters, so that, as nearly as can be calculated, there shall be a Compartment for every Six hundred Voters; and each Compartment shall be provided with sufficient and convenient Accommodation for the Poll Clerk, and for an Agent and Check Clerk for each of the Candidates, and also with a distinct and separate Avenue for the Voters; and in all Cases where sufficient Space cannot be found in the Place where the Poll has been usually taken, the Returning Officer shall, when required as aforesaid, erect in some convenient Place as near as may be practicable to the Place where the Poll has been usually taken, and within the Precincts of the City, Borough, Town, or Port, a Polling Place or Booth, and shall divide it into Compartments in the Manner herein-before directed, and shall there take the Poll: Provided also, that to each Compartment the Returning Officer shall appoint a Clerk to take the Poll, and to administer to the Persons offering to vote (when required so to do by any Elector or Candidate, or Person acting on behalf of any Candidate,) such Oaths as may by Law be required of them; and such Clerk shall receive a Sum not exceeding One Guinea *per* Day.

Clerk to be appointed to each Compartment.

Expences of Booths to be defrayed by Candidates, &c.

II. And be it enacted, That all reasonable Expences of providing such Booths or Polling Places, and of paying such Poll Clerks as are herein-before mentioned, shall be defrayed by the Candidates in equal Portions; but if any Person shall be nominated as a Candidate, who if present shall not personally declare his Assent thereto at the Time such Nomination is made, or if not present shall not signify his Assent in Writing, addressed to the Returning Officer, before Proclamation of the Return is made, in such Case the Person putting such Candidate in Nomination shall, to all Intents and Purposes, be liable for the Payment of such Share of the Expence of providing Booths or Polling Places, and paying Poll Clerks, as the Candidate would have been liable to had the Nomination been assented to by him in the Manner herein-before directed.

The Returning Officer or his Assessor to attend to decide upon disputed Votes.

Objections to Votes not to delay the Poll.

III. Provided also, and be it enacted, That to prevent Delay or Obstruction in receiving Votes at the Place of polling, in consequence of Questions as to the Right of voting, the Returning Officer (or his Assessor) shall, at every Election of a Member or Members to serve in Parliament for any City, Borough, Town, or Port in *England* or *Wales*, continue during the Time of polling in some convenient Place adjacent to that in which the Poll is taken, for the Purpose of deciding on the Validity of disputed Votes; and if the Vote of any Person shall be objected to by any Candidate or Person acting on his Behalf, the Poll shall not on that Account be delayed, but the Poll Clerk shall enter the Name of such Person on the Poll Book, but shall not then receive his Vote, and shall proceed to receive the Vote of the next Person who shall tender his Vote or offer to poll; and the Person whose Vote shall have been objected to shall be referred to the Returning Officer (or his Assessor), who shall decide with respect to the Validity of his Vote: Provided also, that the Returning Officer or Assessor shall keep a List of all Persons whose Votes are referred to him for Decision, and shall, in all Cases where the Voters are ready

to be examined, proceed to decide with respect to the Validity of their Votes in the Order in which they have been referred to him.

So much of Act 25 G. 3. as limits the Duration of Polls for Cities and Boroughs repealed.

IV. And whereas by an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within* England *and* Wales, *and* Berwick-upon-Tweed, *and also for removing Difficulties which may arise for Want of Returns being made of Members to serve in Parliament*, it is amongst other Things enacted, that from and after the First Day of *August* One thousand seven hundred and eighty-five, every Poll which shall be demanded at any Election for a Member or Members to serve in Parliament for any County, City, Borough, or other Place within *England*, *Wales*, or for the Town of *Berwick-upon-Tweed*, shall commence on the Day upon which the same shall be demanded, or upon the next Day at farthest, unless it shall happen to be a *Sunday*, and then on the Day after, and shall be duly and regularly proceeded in from Day to Day (*Sundays* excepted) until the same shall be finished, but so that no Poll for the Election of any Member or Members to serve in Parliament shall continue more than Fifteen Days at most (*Sundays* excepted); and if such Poll shall continue until the Fifteenth Day, the same shall be finally closed at or before Three in the Afternoon of the said Day: Be it enacted, That so much of the said recited Act as allows the Poll at any Election for a Member or Members to serve in Parliament for any City, Borough, Town, or Port within *England*, or for the Town of *Berwick-upon-Tweed*, to continue for Fifteen Days, shall be and the same is hereby repealed.

Poll not to continue longer than Eight Days in Cities, Boroughs, or Towns.

V. And be it further enacted, That from and after the passing of this Act, no Poll which shall be demanded at the Election of any Member or Members to serve in Parliament for any City, Borough, Town, or Port in *England* or *Wales*, shall continue longer than Eight Days at most (*Sundays* excepted); and if such Poll shall continue until the Eighth Day, then the same shall be finally closed at or before the Hour of Three of the Clock in the Afternoon of the same Day.

Returning Officer not to make Proclamation of Return until he has decided on doubtful Votes.

VI. And be it further enacted, That when the Poll shall finally be closed, and before Proclamation of the Return has been made, if any Candidate or his Agent, or Two Electors, shall certify to the Returning Officer that the Votes of any Persons offering to poll have been objected to, and referred to the Returning Officer or Assessor for Decision, in the Manner herein-before directed, and that such Returning Officer or Assessor has not declared his Decision with respect to all such Votes, in that Case the Returning Officer shall not make Proclamation of the Return until Three of the Clock in the Afternoon of the Third Day following (unless he shall before that Time have decided on all such Votes as have been referred to him), but he (or his Assessor) shall continue to decide with respect to the Validity of such Votes in the Manner herein-before directed, and shall cause the Names of all Persons whose Votes shall be adjudged valid to be added

to

Proviso. to the Poll: Provided always, that if at Three of the Clock in the Afternoon of the Third Day following that on which the Poll shall have finally been closed there shall still remain any Votes on which no Decision has been made, the Returning Officer shall notwithstanding proceed forthwith to proclaim the Return.

As to Scotland, Ireland, London, and Westminster. VII. Provided always, and be it enacted, That none of the Provisions of this Act shall extend to *Scotland* or *Ireland*, nor to the Cities of *London* or *Westminster*.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LX.

An Act to amend the Laws relating to the Importation of Corn. [15th *July* 1828.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws now in force for regulating the Importation of Corn*: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to the Importation of Corn*: And whereas a certain Act was passed in the Seventh and Eighth Years of His Majesty's Reign, intituled *An Act to make Provision for ascertaining from Time to Time the Average Prices of British Corn*: And whereas it is expedient that the said Acts should be repealed, and that new Provisions should be made in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall be and the same are hereby repealed: Provided nevertheless, that all Acts or Parts of Acts, which by virtue of the above recited Acts, or either of them, were repealed, shall still be deemed and taken to be and remain repealed: Provided also, that all Actions, Suits, and Prosecutions, now depending or hereafter to be brought for or by reason of any Breach or Non-performance of any of the Provisions of the said Acts, or for the Recovery of any Duties or Sums of Money payable under and by virtue

55 G. 3. c. 26.

3 G. 4. c. 60.

7 & 8 G. 4. c. 58.

Recited Acts repealed.

virtue of the same, shall and may be proceeded with, as fully and effectually, to all Intents and Purposes, as if this present Act had not been made.

So much of 6 G. 4. c. 111. as imposes Duties on Buck Wheat and Indian Corn, repealed.

II. And whereas an Act was passed in the Sixth Year of His Majesty's Reign, intituled *An Act for granting Duties of Customs*, whereby certain Duties were imposed on the Importation of Buck Wheat and Indian Corn; and it is expedient that the said Duties should be repealed; be it therefore enacted, That so much of the said Act passed in the Sixth Year of His Majesty's Reign, as imposes Duties on the Importation of Buck Wheat and Indian Corn, shall be and the same is hereby repealed.

Foreign Corn may be imported on Payment of the Duties specified in the Table to this Act.

III. And whereas it is expedient that Corn, Grain, Meal, and Flour, the Growth, Produce, and Manufacture of any Foreign Country, or of any *British* Possession out of *Europe*, should be allowed to be imported into the United Kingdom for Consumption, upon the Payment of Duties to be regulated from Time to Time according to the Average Price of *British* Corn made up and published in manner herein-after required; be it therefore enacted, That there shall be levied and paid to His Majesty, upon all Corn, Grain, Meal, or Flour entered for Home Consumption in the United Kingdom from Parts beyond the Seas, the several Duties specified and set forth in the Table annexed to this Act; and that the said Duties shall be raised, levied, collected, and paid in such and the same Manner in all respects as the several Duties of Customs mentioned and enumerated in the Table of Duties of Customs Inwards annexed to the said Act passed in the Sixth Year of the Reign of His Majesty, and by virtue and in pursuance of the several Powers and Provisions in that Act contained, and not otherwise.

Regulations to be observed upon shipping Corn from any British Possession out of Europe.

IV. Provided always, and be it further enacted, That no Corn, Grain, Meal, or Flour shall be shipped from any Port in any *British* Possession out of *Europe*, as being the Produce of any such Possession, until the Owner or Proprietor or Shipper thereof shall have made and subscribed, before the Collector or other Chief Officer of Customs at the Port of Shipment, a Declaration in Writing, specifying the Quantity of each Sort of such Corn, Grain, Meal, or Flour, and that the same was the Produce of some *British* Possession out of *Europe* to be named in such Declaration, nor until such Owner or Proprietor or Shipper shall have obtained from the Collector or other Chief Officer of the Customs at the said Port a Certificate, under his Signature, of the Quantity of Corn, Grain, Meal, or Flour so declared to be shipped; and before any Corn, Grain, Meal, or Flour shall be entered at any Port or Place in the United Kingdom, as being the Produce of any *British* Possession out of *Europe*, the Master of the Ship importing the same shall produce and deliver to the Collector or other Chief Officer of Customs of the Port or Place of Importation a Copy of such Declaration, certified to be a true and accurate Copy thereof under the Hand of the Collector and other Chief Officer of Customs at the Port of Shipment before whom the same was made, together with the Certificate, signed by the said Collector

Regulations as to Corn entered for Importation.

or other Chief Officer of Customs, of the Quantity of Corn so declared to be shipped; and such Master shall also make and subscribe, before the Collector or other Chief Officer of Customs at the Port or Place of Importation, a Declaration in Writing, that the several Quantities of Corn, Grain, Meal, or Flour on board such Ship, and proposed to be entered under the Authority of such Declaration, are the same that were mentioned and referred to in the Declaration and Certificate produced by him, without any Admixture or Addition; and if any Person shall, in any such Declaration, wilfully and corruptly make any false Statement respecting the Place of which any such Corn, Grain, Meal, or Flour was the Produce, or respecting the Identity of any such Corn, Grain, Meal, or Flour, such Person shall forfeit and become liable to pay to His Majesty the Sum of One hundred Pounds, and the Corn, Grain, Meal, or Flour to such Person belonging, on board any such Ship, shall also be forfeited; and such Forfeitures shall and may be sued for, prosecuted, recovered, and applied in such and the same Manner in all respects as any Forfeiture incurred under and by virtue of the said Act so passed in the Sixth Year of His Majesty's Reign: Provided always, that the Declarations aforesaid shall not be required in respect of any Corn, Grain, Meal, or Flour which shall have been shipped within Three Months next after the passing of this Act.

Penalty for importing Malt or ground Corn, except as allowed.

V. Provided always, and be it further enacted, That it shall not be lawful to import, from Parts beyond the Seas into the United Kingdom, for Consumption there, any Malt, or to import, for Consumption, into *Great Britain*, any Corn ground, except Wheat Meal, Wheat Flour, and Oatmeal; or to import, for Consumption, any Corn ground into *Ireland*; and that if any such Article as aforesaid shall be imported contrary to the Provisions aforesaid, the same shall be forfeited.

Account of Corn and Flour imported, of the Duties paid, and of the Quantity in Warehouse, to be published in the Gazette Monthly.

VI. Provided always, and be it further enacted, That the Commissioners of His Majesty's Customs shall, once in each Calendar Month, cause to be published in the *London Gazette* an Account of the Total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively, which shall have been imported into the United Kingdom; and also an Account of the Total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively, upon which the Duties of Importation shall have been paid in the United Kingdom during the Calendar Month next preceding; together with an Account of the Total Quantity of each Sort of the said Corn, Grain, Meal, and Flour respectively remaining in Warehouse at the End of such next preceding Calendar Month.

If any Foreign State shall subject British Vessels, Goods, &c. to any higher Duties

VII. Provided always, and be it further enacted, That if it shall be made to appear to His Majesty in Council that any Foreign State or Power hath subjected *British* Vessels, at any Port within the Dominions of such State or Power, to any other or higher Duties or Charges whatever than are levied on National Vessels at any such Port, or hath subjected, at any such Port, Goods the Growth, Produce,

or Charges than are levied on the Vessels, &c. of other Countries, His Majesty may prohibit the Importation of Corn from such State.

duce, or Manufacture of any of His Majesty's Dominions, when imported from any of such Dominions in *British* Vessels, to any other or higher Duties or Charges whatever than are levied on such or the like Goods, of whatever Growth, Produce, or Manufacture, when so imported in National Vessels, or hath subjected, at any Port or Place within the Dominions of such Foreign State or Power, any Article of the Growth, Produce, or Manufacture of His Majesty's Dominions, when imported from any of such Dominions in *British* Vessels or in National Vessels, to any Duties or Charges which would not be payable on the like Article being of the Growth, Produce, or Manufacture of any other Country, and imported from such other Country in National Vessels; or that any such Foreign State or Power hath granted any Bounties, Drawbacks, or Allowances upon the Exportation from any Port or Place within the Dominions thereof of any Articles the Growth, Produce, or Manufacture of the Dominions of any other Foreign State or Power, which hath not also been granted upon the Exportation from such Port or Place of such or the like Articles, being the Growth, Produce, or Manufacture of His Majesty's Dominions; then and in any of the Cases aforesaid, it shall and may be lawful for His Majesty, by any Order or Orders to be by Him made, with the Advice of His Privy Council, to prohibit the Importation of all or of any Sort of Corn, Grain, Meal, or Flour from the Dominions of any such Foreign State or Power; and it shall also be lawful for His Majesty from Time to Time, with the Advice of His Privy Council, to revoke and to renew any such Orders or Order as aforesaid, as there shall be Occasion.

Weekly Returns of Purchases and Sales of Corn to be made in the Places herein mentioned.

VIII. And whereas it is necessary, for regulating the Amount of such Duties, that effectual Provision should be made for ascertaining from Time to Time the Average Prices of *British* Corn; be it therefore enacted, That Weekly Returns of the Purchases and Sales of *British* Corn shall be made in the Manner herein-after directed, in the following Cities and Towns; that is to say, *London, Uxbridge, Hertford, Royston, Chelmsford, Colchester, Rumford, Maidstone, Canterbury, Dartford, Chichester, Guildford, Lewes, Rye, Bedford, Windsor, Aylesbury, Ipswich, Woodbridge, Sudbury, Huntingdon, Hadleigh, Stowmarket, Bury Saint Edmunds, Beccles, Bungay, Lowestoft, Cambridge, Ely, Wisbeach, Norwich, Yarmouth, Lynn, Thetford, Watton, Diss, East Dereham, Harleston, Holt, Aylesham, Fakenham, North Walsham, Lincoln, Gainsborough, Glanford Bridge, Lowth, Boston, Sleaford, Stamford, Spalding, Derby, Northampton, Leicester, Nottingham, Worcester, Coventry, Reading, Oxford, Wakefield, Warminster, Birmingham, Leeds, Newark, York, Bridlington, Beverley, Howden, Sheffield, Hull, Whitby, New Malton, Durham, Stockton, Darlington, Sunderland, Barnard Castle, Walsingham, Belford, Hexham, Newcastle-upon-Tyne, Morpeth, Alnwick, Berwick-upon-Tweed, Carlisle, Whitehaven, Cockermouth, Penrith, Egremont, Appleby, Kirkby-in-Kendal, Liverpool, Ulverston, Lancaster, Preston, Wigan, Warrington, Manchester, Bolton, Chester, Nantwich, Middlewich, Four Lane Ends, Denbigh, Wrexham, Carnarvon, Haverford West, Carmarthen, Cardiff, Gloucester, Cirencester, Tetbury, Stow-on-the-Wold, Tewkesbury, Bristol, Taunton, Wells, Bridgewater, Frome, Chard, Monmouth, Abergavenny,*

venny, Chepstow, Pont-y-Pool, Exeter, Barnstaple, Plymouth, Totness, Tavistock, Kingsbridge, Truro, Bodmin, Launceston, Redruth, Helstone, Saint Austel, Blandford, Bridport, Dorchester, Sherbourne, Shaston, Wareham, Winchester, Andover, Basingstoke, Fareham, Havant, Newport, Ringwood, Southampton, and *Portsmouth;* and for the Purpose of duly collecting and transmitting such Weekly Returns as aforesaid, there shall be appointed in each of the said Cities and Towns, in manner herein-after directed, a fit and proper Person to be Inspector of Corn Returns.

Inspectors to be appointed.

IX. And be it further enacted, That it shall be lawful for His Majesty to appoint a fit and proper Person to be Comptroller of Corn Returns, for the Purposes herein-after mentioned, and to grant to such Comptroller of Corn Returns such Salary and Allowances as to His Majesty shall seem meet: Provided always, that such Person shall be appointed to and shall hold such his Office during His Majesty's Pleasure, and not otherwise; and shall at all Times conform to and obey such lawful Instructions, touching the Execution of the Duties of such his Office, as shall from Time to Time be given to him by the Lords of the Committee of Privy Council appointed for the Consideration of all Matters relating to Trade and Foreign Plantations.

Appointing Comptroller of Corn Returns.

X. And be it further enacted, That the said Comptroller of Corn Returns before he enters on the Execution of such his Office shall, before some or one of the Barons of His Majesty's Court of Exchequer at *Westminster*, or before One of the Masters in ordinary of the High Court of Chancery, take and subscribe an Oath in the following Words; that is to say,

Comptroller to take Oath on entering Office.

'I *A. B.* do swear, That I will, to the best of my Skill and Knowledge, execute the Office of Comptroller of Corn Returns, according to the Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]. So help me GOD.'

Oath.

XI. And be it further enacted, That the said Comptroller of Corn Returns shall at all Times execute the Duties of such his Office in Person, and not by Deputy; but that it shall and may be lawful for His Majesty to appoint a fit and proper Person, who shall act as Deputy Comptroller of Corn Returns, in case of the Sickness or other Incapacity of the said Comptroller, or in case he the said Comptroller should, with the Permission of the Lords of the said Committee of Privy Council, be absent from the Duties of such his Office; and all and every the Powers hereby vested in the said Comptroller of Corn Returns, and all and every the Acts, Matters, and Things hereby directed to be done and performed by him, shall be vested in, and shall and may be done and performed by, any such Deputy as aforesaid, during the Continuance of any such Sickness, Incapacity, or Absence as aforesaid of the said Comptroller of Corn Returns; and such Deputy shall hold such his Office during His Majesty's Pleasure, and not otherwise, and shall receive and be paid such Salary and Allowances as to His Majesty shall seem meet.

Comptroller not to act by Deputy, except in certain Cases.

Comptroller may send and receive Letters free from Postage.

XII. And be it further enacted, That it shall and may be lawful for the said Comptroller of Corn Returns to send by the Post to any Part of the United Kingdom, and to receive by the Post from any Place whatever, any Letters or Packets relating exclusively to the Duties of such his Office, free from all Duties of Postage, provided that the Words "On His Majesty's Service" shall be written or printed on the Outside of each of the said Letters or Packets so sent by the said Comptroller of Corn Returns, and that such Words shall be subscribed with the Name of the said Comptroller of Corn Returns in his Handwriting; and also provided, that it shall be lawful for His Majesty's Postmaster General, or for his Secretary or other Officer authorized by him in that Behalf, to examine and search all such Letters and Packets, and to charge against the Person or Persons sending the same Treble Postage on any Letter or Packet which may be so sent to or by the said Comptroller of Corn Returns contrary to the Provisions of this Act.

Lord Mayor, &c. to appoint an Inspector of Corn Returns for the City of London.

XIII. And be it further enacted, That it shall and may be lawful for the Lord Mayor and Aldermen of the City of *London*, at a Court to be holden for that Purpose, and they or the Majority of them present at such Court are hereby authorized and required, to nominate and appoint some fit and proper Person to be Inspector of Corn Returns for the City of *London*; and it shall be lawful for the said Lord Mayor and Aldermen from Time to Time, as Occasion may require, upon any Misbehaviour or Neglect of Duty of any such Inspector, to remove him from such his Office by any Order to be by them made at a Court to be specially convened and holden for that Purpose; and upon the Death, Resignation, permanent Incapacity, or Removal of any such Inspector of Corn Returns for the City of *London*, it shall and may be lawful for the said Lord Mayor and Aldermen, at a Court to be holden for that Purpose, and they or a Majority of them present at any such Court are hereby authorized and required, to nominate and appoint some fit and proper Person to succeed to the said Office.

Said Inspector not to execute his Office by Deputy, except in certain Cases.

XIV. And be it further enacted, That the said Inspector of Corn Returns for the City of *London* shall at all Times execute the Duties of such his Office in Person, and not by Deputy; but that in case of the Sickness or other temporary Incapacity of the said Inspector, it shall be lawful for the said Lord Mayor and Aldermen of the City of *London* to appoint some fit and proper Person to act as the Deputy of the said Inspector, during the Continuance of any such Sickness or Incapacity as aforesaid of that Officer, and no longer; and all and every the Powers hereby vested in the said Inspector of Corn Returns for the City of *London*, and all and every the Acts, Matters, and Things hereby directed to be done and performed by him, shall and may be vested in, and be done and performed by, any such Deputy as aforesaid, during the Continuance of such his Appointment.

No Person dealing in Corn, Flour,

XV. And be it further enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector or Deputy Inspector

of Corn Returns for the City of *London*, who, within Six Months next preceding the Time of any such Appointment, shall have been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period shall, as a Merchant, Clerk, Agent, or otherwise, have bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Inspector or Deputy Inspector of Corn Returns for the City of *London* shall, during his Continuance in such his Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from such his Office, and from and after the Time of such Removal shall become incapable of acting as Inspector of Corn Returns under this Act.

or Malt, to be appointed Inspector of Corn Returns in London.

XVI. And be it further enacted, That every Inspector or Deputy Inspector of Corn Returns for the City of *London* shall, within One Week after such his Nomination and Appointment, take and subscribe, before the Lord Mayor or One of the Aldermen of the City of *London*, an Oath, which Oath the Lord Mayor or Alderman is hereby authorized and required to administer, in the following Words; (that is to say,)

Inspector of Corn Returns for City of London to take an Oath on his Appointment.

'I *A.B.* do swear, That I will at all Times, as Inspector of Corn Returns for the City of *London*, [*or* as Deputy Inspector of Corn Returns for the City of *London, as the Case may be*,] make due and true Returns to the Comptroller of Corn Returns appointed by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], and that I will in all Things, to the best of my Skill and Judgment, conform myself to the Directions of the said Act.

'So help me GOD.'

Oath.

XVII. And be it further enacted, That every Nomination and Appointment, so to be made as aforesaid, of any Inspector of Corn Returns for the City of *London*, shall be enrolled at the next Sessions of the Peace to be holden in and for the said City, together with a Certificate of the Oath aforesaid having been taken, such Certificate being signed by the Lord Mayor or Aldermen before whom such Oath shall have been so taken; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for the said City to be a true Copy, shall, for all Intents and Purposes, be and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Appointment of Inspector for City of London to be enrolled.

XVIII. And be it further enacted, That every Person who shall carry on Trade or Business in the City of *London*, or within Five Miles from the *Royal Exchange* in the said City, as a Corn Factor, or as an Agent employed in the Sale of *British* Corn, and every Person who shall sell any *British* Corn within the present Corn Exchange in *Mark Lane* in the said City, or within any other Building or Place which

Dealers in Corn in London to deliver in a Declaration to the Lord Mayor, &c.

which now is or may hereafter be used within the City of *London*, or within Five Miles from the *Royal Exchange* in the said City, for such and the like Purposes for which the said Corn Exchange in *Mark Lane* hath been and is used, shall, before he or they shall carry on Trade or Business, or sell any Corn in manner aforesaid, make and deliver to the Lord Mayor, or One of the Aldermen of the City of *London*, a Declaration in the following Words; (that is to say,)

Form of Declaration.

'I *A. B.* do declare, That the Returns to be by me made, conformably 'to an Act passed in the Ninth Year of the Reign of King *George* 'the Fourth, intituled [*here set forth the Title of this Act*], of the 'Quantities and Prices of *British* Corn which henceforth shall be by 'or for me sold or delivered, shall, to the best of my Knowledge and 'Belief, contain the whole Quantity, and no more, of the Corn *bonâ* '*fide* sold and delivered by or for me within the Periods to which 'such Returns respectively shall refer, with the Prices of such Corn, 'and the Names of the Buyers respectively, and of the Persons for 'whom such Corn shall have been sold by me respectively; and to 'the best of my Judgment the said Return shall in all respects be 'conformable to the Provisions of the said Act.'

Lord Mayor, &c. to deliver a Certificate thereof to the Inspector.

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same; and the Lord Mayor or such Alderman as aforesaid of the City of *London* for the Time being shall and he is hereby required to deliver a Certificate thereof, under his Hand, to the Inspector of Corn Returns for the City of *London*, to be by him registered in a Book to be by him provided and kept for that Purpose.

Dealers in Corn to make Returns to Corn Inspector.

XIX. And be it further enacted, That every such Corn Factor and other Person as aforesaid, who is herein-before required to make and who shall have made such Declaration as aforesaid, shall and he or she is hereby required to return or cause to be returned, on *Wednesday* in each and every Week, to the Inspector of Corn Returns for the City of *London*, an Account in Writing, signed with his or her own Name, or the Name of his or her Agent duly authorized in that Behalf, of the Quantities of each respective Sort of *British* Corn by him or her sold during the Week ending on and including the next preceding *Tuesday*, with the Prices thereof, and the Amount of every Parcel, with the Total Quantity and Value of each Sort of Corn, and by what Measure or Weight the same was sold, and the Names of the Buyers thereof, and of the Persons for and on behalf of whom such Corn was sold; and it shall and may be lawful for any such Inspector of Corn Returns to deliver to any Person making or tendering any such Returns a Notice in Writing, requiring him or her to declare and set forth therein where and by whom and in what Manner any such *British* Corn was delivered to the Purchaser or Purchasers thereof; and every Person to whom any such Notice shall be so delivered shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return the several Particulars aforesaid.

XX. And

Justices of the Peace to appoint Corn Inspectors in the other Places herein-before mentioned.

XX. And be it further enacted, That the Justices of the Peace for the several and respective Counties, Ridings or Divisions thereof, in which the several Cities and Towns herein-before enumerated are situate, other than and except the City of *London*, shall and they are hereby authorized and required, at some Quarter Sessions held within or nearest to each of the said several Cities and Towns, to nominate and appoint some fit and proper Person, residing within or near each and every of the said Cities and Towns respectively, to be the Inspector of Corn Returns for such City or Town, and from Time to Time, as Occasion may require, upon the Death, Resignation, or Removal of any such Inspector of Corn Returns, to appoint a fit and proper Person to succeed to such his Office; and it shall be lawful for the said Justices of the Peace, by any Order or Orders to be by them made for that Purpose at any such Quarter Sessions, or at any Adjournment thereof, upon any Misbehaviour or Neglect of Duty of any such Inspector of Corn Returns as aforesaid, or for any other good and sufficient Cause to them appearing, to remove from such his Office any such Officer; and in case of the Sickness, Absence, or temporary Incapacity of any such Inspector of Corn Returns, it shall be lawful for any Two or more of the said Justices, at any Petty Sessions of the Peace to be holden at such City or Town, or within the County, Riding or Division thereof, in which the same is situate, to nominate and appoint a fit and proper Person to act as and be Inspector of Corn Returns for such City or Town, until the next General Quarter Sessions of the Peace to be holden as aforesaid, and no longer.

In Towns, being Counties of themselves, Mayor and Justices to exercise Powers granted by this Act.

XXI. Provided always, and be it further enacted, That within each and every of the Cities and Towns aforesaid, (other than the Cities of *London* and *Oxford*, and Town of *Cambridge*,) being a County of itself, or having an exempt Jurisdiction, and not contributing to the Rates of the County, Riding, or Division in which the same is situate, the Mayor or other Chief Officer, and the Justices of the Peace assembled at the General Quarter Sessions of any such City or Town, or at any Adjournment thereof, shall have, enjoy, and exercise all and every the Powers herein-before vested as aforesaid in the Justices of the Peace for the several and respective Counties, and Ridings or Divisions thereof as aforesaid, assembled at their General Quarter Sessions; and such Mayor or other Chief Officer shall, within such last-mentioned Cities and Towns, have, enjoy, and exercise the Powers herein-before vested as aforesaid in the Justices of the Peace for the said several and respective Counties, Ridings or Divisions thereof, assembled at any Petty Sessions; and that within the City of *Oxford* and the Town of *Cambridge*, all and every the Powers and Authorities aforesaid shall be and the same are hereby vested in the Chancellors, Masters, and Scholars, and their Successors, of the Universities of *Oxford* and *Cambridge* respectively, who shall have and enjoy, and are hereby authorized and required to exercise respectively, all and every such Powers and Authorities within the said City of *Oxford* and Town of *Cambridge* respectively.

In Oxford and Cambridge Powers vested in Chancellors, &c.

Persons having been engaged in Business as Corn Dealers, within a certain Period, not eligible as Inspectors.

XXII. And be it further enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector of Corn Returns under this Act, for any of the Cities and Towns aforesaid, who, within Twelve Calendar Months next preceding the Time of any such Appointment, hath been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period hath, as a Merchant, Clerk, Agent, or otherwise, bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Person, who shall in manner aforesaid be nominated and appointed to be the Inspector of Corn Returns for any such City or Town, shall, during his Continuance in such Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from such his Office, and from and after the Time of such Removal shall become incapable of acting as an Inspector of Corn Returns under this Act.

Inspectors of Corn Returns for Cities and Towns to take an Oath on their Appointment.

XXIII. And be it further enacted, That every Person so appointed Inspector of Corn Returns for any City or Town, other than the City of *London*, shall, before he enters on the Discharge of the Duties of such his Office, take and subscribe before some one Justice of the Peace for the County, Riding, Division, City, or Town within which he shall reside, the Oath, or being one of the People called Quakers, the Affirmation following, (which Oath or Affirmation all such Justices are hereby authorized and required to administer); that is to say,

Oath.

'I *A. B.* do swear [*or* affirm], That I will at all Times, as Inspector of Corn Returns for the City [*or* Town] of make due and true Returns to the Comptroller of Corn Returns appointed by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], of the Quantities and Prices of *British* Corn in the said City [*or* Town] of according to the Accounts to be delivered to me in pursuance of the said Act; and that I will in all Things, to the best of my Skill and Judgment, conform myself to the Directions of the said Act.'

Appointments of Inspectors for Cities and Towns to be enrolled.

XXIV. And be it further enacted, That every Nomination and Appointment, so to be made as aforesaid, of any Inspector of Corn Returns for any of the Cities and Towns aforesaid, other than the City of *London*, shall be enrolled at some Sessions of the Peace to be holden in such Cities and Towns respectively, or in the respective Counties, Ridings or Divisions thereof, in which such Towns are situate, or at some Adjournment of such Sessions, together with a Certificate of the Oath aforesaid having been taken by such Inspector of Corn Returns, such Certificate being signed by the Justice of the Peace before whom such Oath shall have been so taken; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for any such City or Town, County, Riding, or Division, shall

for all Intents and Purposes be and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Dealers in Corn in Cities and Towns to make Declaration.

XXV. And be it further enacted, That every Person who shall deal in *British* Corn at or within any such City or Town as aforesaid, or who shall at or within any such City or Town engage in or carry on the Trade or Business of a Corn Factor, Miller, Maltster, Brewer, or Distiller, or who shall be the Owner or Proprietor, or Part Owner or Proprietor, of any Stage Coaches, Waggons, Carts, or other Carriages carrying Goods or Passengers for Hire to and from any such City or Town, and each and every Person who, as a Merchant, Clerk, Agent, or otherwise, shall purchase at any such City or Town any *British* Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, shall, before he or she shall so deal in *British* Corn at any such City or Town, or shall engage in or carry on any such Trade or Business as aforesaid, or shall purchase any *British* Corn for any such Purpose as aforesaid, at or within any such City or Town, make and deliver, in manner hereinafter mentioned, a Declaration in the following Words; (that is to say,)

Form of Declaration.

'I *A.B.* do declare, That the Returns to be by me made conformably 'to the Act passed in the Ninth Year of the Reign of King 'George the Fourth, intituled [*here set forth the Title of this Act*], 'of the Quantities and Prices of *British* Corn which henceforward 'shall by or for me be bought, shall, to the best of my Knowledge 'and Belief, contain the whole Quantity, and no more, of the *British* 'Corn *bonâ fide* bought for or by me within the Periods to which 'such Returns respectively shall refer, with the Prices of such Corn, 'and the Names of the Sellers respectively; and to the best of my 'Judgment the said Returns shall in all respects be conformable to 'the Provisions of the said Act.'

Declaration to be delivered to the Mayor, &c. who shall give a Certificate thereof to the Inspector.

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same, and shall by him or her, or by his or her Agent, be delivered to the Mayor or Chief Magistrate, or to some Justice of the Peace for such City or Town, or for the County, Riding, or Division in which the same is situate, who are hereby required to deliver a Certificate thereof to the Inspector of Corn Returns for any such City or Town as aforesaid, to be by him registered in a Book to be by him provided and kept for that Purpose.

Inspectors empowered to require such Declaration from Corn Dealers.

XXVI. And be it further enacted, That it shall and may be lawful for any Inspector of Corn Returns for the City of *London*, or for any such other City or Town as aforesaid, to serve upon and deliver to any Person buying or selling Corn in any such City or Town, and who is not within the Terms and Meaning of this present Act specially required to make any such Declaration as aforesaid, a Notice in Writing under the Hand of such Inspector, requiring him to make such Declaration as aforesaid; and any Person upon whom such Notice shall be served as aforesaid shall and he is hereby required

required to comply with such Notice and to make such Declaration in such and the same Manner in all respects as if he or she had been specially required to make the same by the express Provisions of this present Act.

Corn Dealers to make Returns in Writing to Corn Inspectors of the Corn bought by them.

XXVII. And be it further enacted, That all Persons who are hereinbefore required to make and who shall have made such Declaration as aforesaid, shall and they are hereby required, on the first Market Day which shall be holden in each and every Week within each and every such City or Town as aforesaid at or within which they shall respectively deal in Corn, or engage in or carry on any such Trade or Business as aforesaid, or purchase any Corn for any such Purpose as aforesaid, to return or cause to be returned, to the Inspector of Corn Returns for such City or Town, an Account in Writing, signed with their Names respectively, of the Amount of each and every Parcel of each respective Sort of *British* Corn so by them respectively bought during the Week ending on and including the Day next preceding such first Market Day as aforesaid, with the Price thereof, and by what Weight or Measure the same was so bought by them, with the Names of the Sellers of each of the said Parcels respectively, with the Names of the Person or Persons, if any other than the Person making such Return, for or on account of whom the same was so bought and sold; and it shall and may be lawful for any such Inspector of Corn Returns to deliver, to any Person making or tendering any such Return, a Notice in Writing, requiring him or her to declare and set forth therein where and by whom and in what Manner any such *British* Corn was delivered to him or her; and every Person to whom any such Notice shall be so delivered shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate Statement in Writing, the several Particulars aforesaid.

Inspector not to include Returns until he has ascertained that the Persons making them have taken the Declaration required.

XXVIII. And be it further enacted, That no Inspector of Corn Returns in the City of *London*, nor in any of the Towns aforesaid, shall include, in the Return so to be made by them as aforesaid to the Comptroller of Corn Returns, any Account of Sales or Purchases of Corn, unless such Inspector shall have received satisfactory Proof that the Person or Persons tendering such Account hath made the Declaration herein-before required, and hath delivered the same to the Mayor or Chief Magistrate or to some Justice of the Peace of the City or Town for which such Inspector shall be so appointed to act, or to some Justice of the Peace for the County, Riding, or Division in which such City or Town is situate.

Inspector to enter Returns made to him in a Book;

and transmit to the Comptroller weekly, an

XXIX. And be it further enacted, That every such Inspector of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, shall duly and regularly enter, in a Book to be by him provided and kept for that Purpose, the several Accounts of the Quantities and Prices of Corn returned to him by such Persons respectively as aforesaid; and every such Inspector of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, shall in each and every Week return to the Comptroller of Corn

Corn Returns an Account of the Weekly Quantities and Prices of the several Sorts of *British* Corn sold in the City or Town for which he is appointed Inspector, according to the Returns so made to him as aforesaid, and in such Form as shall be from Time to Time prescribed and directed by the said Comptroller of Corn Returns; and the said Returns shall be so made to the said Comptroller by the Inspector of Corn Returns for the City of *London* on *Friday* in each Week, and by the Inspector of Corn Returns for the several other Cities and Towns as aforesaid within Three Days next after the first Market Day holden in each and every Week in any such City or Town.

Account of the Quantities and Prices of Corn sold.

XXX. And be it further enacted, That the Average Prices of all *British* Corn, by which the Rate and Amount of the said Duties shall be regulated, shall be made up and computed on *Thursday* in each and every Week in manner following; that is to say, the said Comptroller of Corn Returns shall on such *Thursday* in each Week, from the Returns received by him during the Week next preceding, ending on and including the *Saturday* in such preceding Week, add together the Total Quantities of each Sort of *British* Corn respectively appearing by such Returns to have been sold, and the Total Prices for which the same shall thereby appear to have been sold, and shall divide the Amount of such Total Prices respectively by the Amount of such Total Quantities of each Sort of *British* Corn respectively, and the Sum produced thereby shall be added to the Sums in like Manner produced in the Five Weeks immediately preceding the same, and the Amount of such Sums so added shall be divided by Six, and the Sum thereby given shall be deemed and taken to be the aggregate Average Price of each such Sort of *British* Corn respectively, for the Purpose of regulating and ascertaining the Rate and Amount of the said Duties; and the said Comptroller of Corn Returns shall cause such aggregate Weekly Averages to be published in the next succeeding Gazette, and shall on *Thursday* in each Week transmit a Certificate of such aggregate Average Prices of each Sort of *British* Corn to the Collector or other Chief Officer of the Customs at each of the several Ports of the United Kingdom; and the Rate and Amount of the Duties to be paid under the Provisions of this Act shall from Time to Time be regulated and governed at each of the Ports of the United Kingdom respectively by the aggregate Average Prices of *British* Corn at the Time of the Entry for Home Consumption of any Corn, Grain, Meal, or Flour chargeable with any such Duty, as such aggregate Average Prices shall appear and be stated in the last of such Certificates as aforesaid which shall have been received as aforesaid by the Collector or other Chief Officer of Customs at such Port.

Average Prices to be made up and published every Week.

Certificate of Averages to be transmitted to Chief Officers of Customs.

XXXI. Provided always, and be it further enacted, That in the Returns so to be made as aforesaid to the Comptroller of Corn Returns, and in the Publications so to be made from Time to Time in the *London Gazette*, and in the Certificate so to be transmitted by the said Comptroller of Corn Returns to such Collectors or other Chief Officers of the Customs as aforesaid, the Quantities of each Sort of *British* Corn respectively shall be computed and set forth by, according,

How Quantities of Corn are to be computed.

according, and with reference to the Imperial Standard Gallon, as the same is declared and established by a certain Act passed in the Fifth Year of His Majesty's Reign, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, as the said Act is amended by a certain other Act passed in the Sixth Year of His Majesty's Reign, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures, and to amend the said Act.*

5 G. 4. c. 74.

6 G. 4. c. 12.

Until sufficient Number of Returns are made, Comptroller may use the present Averages.

XXXII. Provided always, and be it further enacted, That until a sufficient Number of Weekly Returns shall have been received by the said Comptroller of Corn Returns under this Act, to afford such aggregate Average Prices of *British* Corn as aforesaid, the Weekly Average Prices of *British* Corn published by him immediately before the passing of this Act shall by him be used and referred to in making such Calculations as aforesaid, in such and the same Manner as if the same had been made up and taken under and in pursuance of this Act.

What shall be deemed British Corn.

XXXIII. Provided always, and be it further enacted, That all Corn or Grain, the Produce of the United Kingdom, shall be deemed and taken to be *British* Corn for the Purposes of this Act.

Provisions of this Act as to making Weekly Returns may be applied to any Town in the United Kingdom.

XXXIV. And be it further enacted, That for the Purpose of ascertaining the Average Price of Corn and Grain sold within the United Kingdom of *Great Britain* and *Ireland*, it shall and may be lawful for His Majesty, by any Order or Orders to be by him made, by and with the Advice of His Privy Council, to direct that the Provisions of this Act, so far as regards the Appointment of Inspectors and the making of Weekly Returns, shall be applicable to any Cities or Towns within the United Kingdom of *Great Britain* and *Ireland* which shall be named in any such Order or Orders in Council: Provided always, that the Returns so received from such Towns shall not be admitted into the Averages made up for the Purpose of regulating the Duties payable upon Foreign Corn, Grain, Meal, or Flour.

The present Comptrollers and Inspectors of Returns to continue in Office.

XXXV. And be it further enacted, That the Comptrollers of Corn Returns, and each and every Inspector of Corn Returns, or other Person who at or immediately before the Time when this Act shall come into Operation shall hold any Office or Appointment under and by virtue of the Act so passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, or who shall be discharging any Duties required of him by such last-mentioned Act, shall and he is hereby authorized and required forthwith to act in such his Office or Appointment under and by virtue of this present Act, and to discharge the several Duties of and belonging to such his former Office or Appointment, in such and the same Manner and as fully and effectually, to all Intents and Purposes, as if he had been appointed to such his Office or Appointment as aforesaid under and by virtue of this present Act; and that the Person appointed to act as Inspector of Corn Returns for the City of *London*, under the Act so

passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, shall, without further Appointment, continue to act as such Inspector under this Act, until he shall die or resign such his Office, or be removed therefrom by the Lord Mayor and Aldermen of the City of *London* in manner aforesaid.

If Returns are untrue, Comptroller to lay a Statement thereof before the Committee of Privy Council.

XXXVI. Provided always, and be it further enacted, That if the said Comptroller of Corn Returns shall at any Time see Cause to believe that any Return so to be made as aforesaid to any such Inspector of Corn Returns for the City of *London*, or for any other such City or Town as aforesaid, is fraudulent or untrue, the said Comptroller shall and he is hereby required, with all convenient Expedition, to lay before the Lords of the said Committee of Privy Council a Statement of the Grounds of such his Belief; and if, upon Consideration of any such Statement, the said Lords of the said Committee shall direct the said Comptroller to omit any such Return in the Computation of such aggregate Weekly Average Price as aforesaid, then and in that Case, but not otherwise, the said Comptroller of Corn Returns shall and he is hereby authorized to omit any such Return in the Computation of such aggregate Weekly Average Price.

Corn Dealers having made the Declaration previous to this Act shall transmit Returns and comply with the Rules hereby required.

XXXVII. And be it further enacted, That any Corn Factor, Dealer, or other Person, who at or previously to the Time when this present Act shall come into Operation shall have made the Declaration required of him in and by the said Act so passed as aforesaid in the Seventh and Eighth Year of His Majesty's Reign, shall and he or she is hereby required forthwith to make all such Returns to such several Inspectors of Corn Returns as aforesaid, and to perform and do all such Acts, Matters, and Things, and to comply with and observe all such Rules and Regulations, as are hereby required or directed of or in regard to Persons who have made any Declaration required of them in and by the present Act, although he or she may not have actually made such last-mentioned Declaration.

Comptroller to issue Directions respecting Inspection of Books of Inspectors.

XXXVIII. And be it further enacted, That the Comptroller of Corn Returns shall and he is hereby authorized from Time to Time, in pursuance of any Instructions which he shall receive in that Behalf from the Lords of the said Committee of Privy Council, to issue to the several Inspectors of Corn Returns any general or special Directions respecting the Inspection by any Person or Persons of the Books so directed as aforesaid to be kept by every such Inspector of Corn Returns; and no such Inspector as aforesaid shall permit or suffer any Person to inspect any such Book, or to peruse or transcribe any Entry therein, except in compliance with some such general or special Directions from the said Comptroller of Corn Returns as aforesaid.

Inspector not to permit Books to be perused without such Directions.

Copy of the last Return to be affixed on Market Place on each Market Day.

XXXIX. And be it further enacted, That each and every Inspector of Corn Returns shall and he is hereby required on each and every Market Day to put up or cause to be put up in the Market Place of the City or Town for which he shall be appointed Inspector, or if there shall be no Market Place in such City or Town, then in some other conspicuous

conspicuous Place therein, a Copy of the last Return made by him to the Comptroller of Corn Returns, omitting the Names of the Parties who may have sold and bought the said Corn; and every such Inspector shall also again put up such Account on the Market Day immediately following that on which it shall first have been put up, in case the same shall from Accident or any other Cause have been removed, and shall take due Care that the same shall remain up for public Inspection until a new Account for the ensuing Week shall have been prepared and set up.

Treasury to fix Salaries of Comptrollers and Inspectors.

XL. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by any Warrant or Warrants to be for that Purpose from Time to Time made and issued, to settle and allow such reasonable and moderate Salaries as shall be paid and payable to the said several Inspectors of Corn Returns for the City of *London*, and for the several other Cities and Towns aforesaid, for and in consideration of the Duties so to be performed by them; provided that the Salary so to be allowed to the Inspector of Corn Returns in and for the City of *London* shall not in any One Year exceed the Sum of Three hundred Pounds, in consideration of which Salary he shall and is hereby required to keep and maintain a proper and convenient Apartment or Place of Business at or near to the said Corn Exchange in *Mark Lane*, for transacting the Duties of such his Office, and to defray all incidental Charges and Expences of and attendant upon such his Office: Provided also, that the Salary to be granted to any Inspector of Corn Returns of any other of the Cities and Towns aforesaid shall not exceed Fifty Pounds in any One Year for such Inspector.

Regulations as to Payment of Salaries.

XLI. And be it further enacted, That the Salaries aforesaid shall be paid by the Collector or other Chief Officer of the Customs or of the Excise in or for the City or Town for which each and every of the said Inspectors respectively may be so appointed, by Four Quarterly Payments; provided that no such Quarterly Payments aforesaid shall be made, unless the Inspector of Corn Returns claiming the same shall first produce and deliver to such Collector, or other Chief Officer of the Customs or Excise, a Certificate under the Hand of the Comptroller of Corn Returns, certifying that such Inspector hath duly made the Returns required of him by this present Act during the Period in respect of which any such Payment is to be made, and which Certificate such Comptroller is hereby required, on the Application of any such Inspector as aforesaid, to grant, unless any such Inspector shall, without good and sufficient Cause, have neglected or omitted to make such Returns as aforesaid, or some of them: Provided also, that if the Duties of the said Office of Inspector of Corn Returns for the City of *London* shall, during any such Quarter of a Year as aforesaid, have been discharged wholly or in part by a Deputy, the Comptroller of Corn Returns shall in such Certificate as aforesaid specify the Length of Time during which such Deputy hath so acted, and the Whole or a proportionate Part, as the Case may be, of any such Quarterly Payment, shall in that Case be paid to the said Deputy;

Deputy; and if the Duties of Inspector of Corn Returns for any other of the Cities and Towns aforesaid shall during any such Quarter of a Year be performed successively by Two or more Persons, the Comptroller of Corn Returns shall in like Manner specify the Length of Time during which each such Person hath so performed the said Duties, and a proportionate Part of any such Quarterly Payment shall in that Case be paid to the several Persons respectively performing the said Duties.

Penalty on Corn Dealers for not making Declarations or Returns.

XLII. And be it further enacted, That if any Person who is hereby required to make and deliver the Declaration or Declarations herein-before particularly mentioned and set forth, or either of them, shall not make and deliver such Declaration or Declarations at the Time, and in the Form and Manner, and to the Person or Persons, herein-before directed and prescribed in that Behalf, every Person so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Calendar Month during which he shall neglect or delay to make and deliver any such Declaration; and if any Person who is herein-before required to make any Return to any such Inspector of Corn Returns as aforesaid shall not make such Returns to such Inspector, at the Time and in the Form and Manner herein-before directed and prescribed, every such Offender shall for such his Offence forfeit and pay the Sum of Twenty Pounds.

Recovery and Application of Penalties.

XLIII. And be it further enacted, That all and every the Penalties aforesaid shall and may be prosecuted, sued for, and recovered by and to the Use of any Person who will sue for the same, before any Two Justices of the Peace acting in and for the City, Town, County, Riding, or Division within which the Offence shall have been committed; and upon Conviction of any such Offender before any such Justices of the Peace, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), the Amount of such Penalties and Forfeitures shall be levied, together with the Costs attending the Information and Conviction, to be assessed and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance

or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, Town, County, Riding, or Division where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Committee of Privy Council may stay Proceedings on Information.

Justices may mitigate Penalties.

XLIV. Provided always, and be it enacted, That it shall and may be lawful for the Lords of the said Committee of Privy Council, by any Order to be made by them, and issued under the Hands of One of the Clerks of His Majesty's Most Honourable Privy Council, to stay the Proceedings upon any Information before any such Justices of the Peace as aforesaid, for the Penalties aforesaid, or any of them; and that it shall also be lawful for any Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, if he or they shall think proper, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two Thirds of the Penalty to which such Person would be liable under this Act.

Penalty on Witnesses not attending when required.

XLV. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or of the Person or Persons accused, shall, after a reasonable Sum of Money for his or her Charges and Expences shall have been paid or been tendered to him or her, refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Neglect, or appearing shall refuse to be examined on Oath and give Evidence before such Justices of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds, to be recovered in the Manner hereinbefore provided for the Recovery of the several Penalties aforesaid.

Punishment for making false Returns.

XLVI. And be it further enacted, That if any Person shall make any false and fraudulent Statement in any such Return as he is hereinbefore directed and required to make, or shall falsely and wilfully include or procure or cause to be included in any such Return any *British* Corn which was not truly and *bonâ fide* sold or bought to, by, or on behalf of the Person or Persons in any such Return mentioned in that Behalf, in the Quantity and for the Price therein stated and set forth, every such Offender shall be and be deemed guilty of a Misdemeanor.

Act not to affect the Practice of

XLVII. And be it further enacted, That nothing in this Act contained shall extend to alter the present Practice of measuring Corn,

or any of the Articles aforesaid, to be shipped from or to be landed in the Port of *London*; but that the same shall be measured by the sworn Meters appointed for that Purpose, by whose Certificate the Searchers or other proper Officers of His Majesty's Customs are hereby empowered and required to certify the Quantity of Corn or other Articles as aforesaid so shipped or landed; and that nothing in this Act contained shall extend to lessen or take away the Rights and Privileges of, or the Tolls or Duties due and payable to, the Mayor and Commonalty and Citizens of the City of *London*, or to the Mayor of the said City for the Time being, or to take away the Privileges of any Persons lawfully deriving Title from or under them. measuring or Privileges of the City of London.

XLVIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing by him, her, or them done by virtue or in pursuance of this Act, such Action or Suit shall be commenced within Three Months next after the Matter or Thing done, and shall be laid in the proper County; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Actions, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them, against such Plaintiff or Plaintiffs. Limitation of Actions.

TABLE

TABLE of DUTIES to which this Act refers.

	£	s.	d.
If imported from any Foreign Country:			
WHEAT:—			
According to the Average Price of Wheat, made up and published in manner required by Law; *videlicet*,			
——— Whenever such Price shall be Sixty-two Shillings and under Sixty-three Shillings the Quarter, the Duty shall be for every Quarter -	1	4	8
——— Whenever such Price shall be 63*s.* and under 64*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	1	3	8
——— Whenever such Price shall be 64*s.* and under 65*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	1	2	8
——— Whenever such Price shall be 65*s.* and under 66*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	1	1	8
——— Whenever such Price shall be 66*s.* and under 67*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	1	0	8
——— Whenever such Price shall be 67*s.* and under 68*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	18	8
——— Whenever such Price shall be 68*s.* and under 69*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	16	8
——— Whenever such Price shall be 69*s.* and under 70*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	13	8
——— Whenever such Price shall be 70*s.* and under 71*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	10	8
——— Whenever such Price shall be 71*s.* and under 72*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	6	8
——— Whenever such Price shall be 72*s.* and under 73*s.* the Quarter, the Duty shall be for every Quarter - - - - - -	0	2	8
——— Whenever such Price shall be at or above Seventy-three Shillings, the Duty shall be for every Quarter - - - - - - -	0	1	0
——— Whenever such Price shall be under Sixty-two Shillings and not under Sixty-one Shillings, the Duty shall be for every Quarter - -	1	5	8
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Sixty-one Shillings, such Duty shall be increased by One Shilling.			
BARLEY:—			
——— Whenever the Average Price of Barley, made up and published in manner required by Law, shall be Thirty-three Shillings and under Thirty-four Shillings the Quarter, the Duty shall be for every Quarter	0	12	4
- - - - And in respect of every integral Shilling by which such Price shall be above Thirty-three Shillings, such Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Forty-one Shillings.			
——— Whenever such Price shall be at or above Forty-one Shillings, the Duty shall be for every Quarter - - - - - - -	0	1	0
——— Whenever such Price shall be under Thirty-three Shillings and not under Thirty-two Shillings, the Duty shall be for every Quarter -	0	13	10
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Thirty-two Shillings, such Duty shall be increased by One Shilling and Sixpence.			

	£	s.	d.
OATS:—			
——— Whenever the Average Price of Oats, made up and published in manner required by Law, shall be Twenty-five Shillings and under Twenty-six Shillings the Quarter, the Duty shall be for every Quarter - - - - - - - - - -	0	9	3
- - - - And in respect of every integral Shilling by which such Price shall be above Twenty-five Shillings, such Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Thirty-one Shillings.			
——— Whenever such Price shall be at or above Thirty-one Shillings, the Duty shall be for every Quarter - - - - - -	0	1	0
——— Whenever such Price shall be under Twenty-five Shillings and not under Twenty-four Shillings, the Duty shall be for every Quarter -	0	10	9
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Twenty-four Shillings, such Duty shall be increased by One Shilling and Sixpence.			
RYE, PEASE, AND BEANS:—			
——— Whenever the Average Price of Rye, or of Pease, or of Beans, made up and published in manner required by Law, shall be Thirty-six Shillings and under Thirty-seven Shillings the Quarter, the Duty shall be for every Quarter - - - - - -	0	15	6
- - - - And in respect of every integral Shilling by which such Price shall be above Thirty-six Shillings, such Duty shall be decreased by One Shilling and Sixpence, until such Price shall be Forty-six Shillings.			
——— Whenever such Price shall be at or above Forty-six Shillings, the Duty shall be for every Quarter - - - - - -	0	1	0
——— Whenever such Price shall be under Thirty-six Shillings and not under Thirty-five Shillings, the Duty shall be for every Quarter -	0	16	9
- - - - And in respect of each integral Shilling, or any Part of each integral Shilling, by which such Price shall be under Thirty-five Shillings, such Duty shall be increased by One Shilling and Sixpence.			
WHEAT MEAL AND FLOUR:—			
——— For every Barrel, being One hundred and ninety-six Pounds:—A Duty equal in Amount to the Duty payable on Thirty-eight and a Half Gallons of Wheat.			
OATMEAL:—			
——— For every Quantity of One hundred and eighty-one Pounds and a Half:—A Duty equal in Amount to the Duty payable on a Quarter of Oats.			
MAIZE OR INDIAN CORN, BUCK WHEAT, BEER OR BIGG:—			
——— For every Quarter:—A Duty equal in Amount to the Duty payable on a Quarter of Barley.			
If the Produce of and imported from any British Possession in North America, or elsewhere out of Europe:			
WHEAT:—			
——— For every Quarter - - - - - - - - - -	0	5	0
- - - - Until the Price of British Wheat, made up and published in manner required by Law, shall be Sixty-seven Shillings per Quarter.			
——— Whenever such Price shall be at or above Sixty-seven Shillings, the Duty shall be for every Quarter - - - - - -	0	0	6

	£	s.	d.
BARLEY: —			
——— For every Quarter - - - - - - - - - -	0	2	6
- - - - Until the Price of British Barley, made up and published in manner required by Law, shall be Thirty-four Shillings per Quarter.			
——— Whenever such Price shall be at or above Thirty-four Shillings, the Duty shall be for every Quarter - - - - - -	0	0	6
OATS: —			
——— For every Quarter - - - - - - - - - - -	0	2	0
- - - - Until the Price of British Oats, made up and published in manner required by Law, shall be Twenty-five Shillings per Quarter.			
——— Whenever such Price shall be at or above Twenty-five Shillings, the Duty shall be for every Quarter - - - - - - -	0	0	6
RYE, PEASE, AND BEANS: —			
——— For every Quarter - - - - - - - - - - -	0	3	0
- - - - Until the Price of British Rye, or of Pease, or of Beans, made up and published in manner required by Law, shall be Forty-one Shillings.			
——— Whenever such Price shall be at or above Forty-one Shillings, the Duty shall be for every Quarter - - - - - -	0	0	6
WHEAT MEAL AND FLOUR: —			
——— For every Barrel, being One hundred and ninety-six Pounds: — A Duty equal in Amount to the Duty payable on Thirty-eight Gallons and a Half of Wheat.			
OATMEAL: —			
——— For every Quantity of One hundred and eighty-one Pounds and a Half: — A Duty equal in Amount to the Duty payable on a Quarter of Oats.			
MAIZE OR INDIAN CORN, BUCK WHEAT, BEER OR BIGG: —			
——— For every Quarter: — A Duty equal in Amount to the Duty payable on a Quarter of Barley.			

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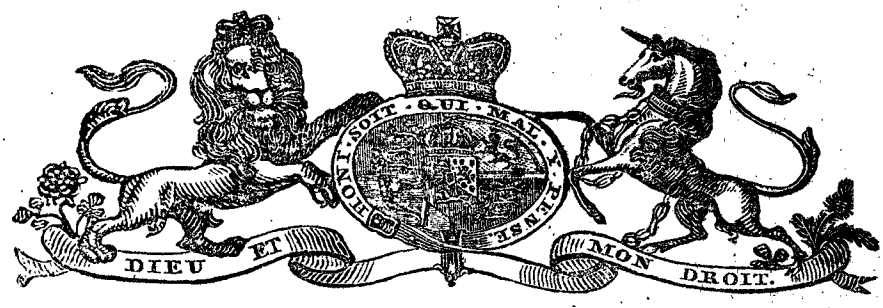

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXI.

An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses, in *England*. [15th *July* 1828.]

WHEREAS it is expedient to reduce into One Act the Laws relative to the licensing, by Justices of the Peace, of Persons keeping or being about to keep Inns, Alehouses, and Victualling Houses, to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises, in that Part of the United Kingdom called *England*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Division of every County and Riding, and of every Division of the County of *Lincoln*, and in every Hundred of every County, not being within any such Division, and in every Liberty, Division of every Liberty, County of a City, County of a Town, City, and Town Corporate, in that Part of the United Kingdom called *England*, there shall be annually holden a Special Session of the Justices of the Peace (to be called the General Annual Licensing Meeting), for the Purpose of granting Licences to Persons keeping or being about to keep Inns, Alehouses, and Victualling Houses, to sell exciseable Liquors

General Licensing Meetings to be held annually.

Liquors by Retail, to be drunk or consumed on the Premises therein specified; and that such Meetings shall be holden in the Counties of *Middlesex* and *Surrey* within the First Ten Days of the Month of *March*, and in every other County on some Day between the Twentieth Day of *August* and the Fourteenth Day of *September* inclusive; and that it shall be lawful for the Justices acting in and for such County or Place assembled at such Meeting, or at any Adjournment thereof, and not as herein-after disqualified from acting, to grant Licences, for the Purposes aforesaid, to such Persons as they the said Justices shall, in the Execution of the Powers herein contained, and in the Exercise of their Discretion, deem fit and proper.

Time of holding such Meetings.

II. And be it further enacted, That in every such Division or Place as aforesaid there shall be holden, Twenty-one Days at the least before each such General Annual Licensing Meeting, a Petty Session of the Justices acting for such County or Place, the Majority of whom then present shall, by a Precept under their Hands, appoint the Day, Hour, and Place upon and in which such General Annual Licensing Meeting for such Division or Place shall be holden; and shall direct such Precept to the High Constable of the Division or Place for which such Meeting is to be holden, requiring him, within Five Days next ensuing that on which he shall have received such Precept, to order the several Petty Constables or other Peace Officers within his Constablewick to affix or cause to be affixed on the Door of the Church or Chapel, and where there shall be no Church or Chapel, on some other public and conspicuous Place within their respective Districts, a Notice of the Day, Hour, and Place at which such Meeting is appointed to be holden, and to give to or to leave at the Dwelling House of each and every Justice acting for such Division or Place, and of each and every Person keeping an Inn, or who shall have given Notice of his Intention to keep an Inn, and to apply for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises, within their respective Districts, a Copy of such Notice.

Time and Place how to be appointed.

Notice of Meetings to be given.

III. And be it further enacted, That it shall be lawful for the Justices acting at the General Annual Licensing Meeting, and they are hereby required, to continue such Meeting by Adjournment, to such Day or Days, and to such Place or Places within the Division or Place for which such Meeting shall be holden, as such Justices may deem most convenient and sufficient for enabling Persons keeping Inns within such Division or Place to apply for such Licence: Provided nevertheless, that the adjourned Meeting to be holden next after such General Annual Licensing Meeting shall not be so holden in or upon any of the Five Days next ensuing that on which such General Annual Licensing Meeting shall have been holden as aforesaid; and that every Adjournment of the said General Annual Licensing Meeting shall be holden within the Month of *March* in the Counties of *Middlesex* and *Surrey*, and of *August* or *September* in every other County.

Adjournment of Meetings.

Special Sessions for transferring Licences to be appointed.

IV. And be it further enacted, That the Justices assembled at the General or Quarter Session which shall be holden at *Michaelmas* next after the passing of this Act, and at the General Annual Licensing Meeting in every subsequent Year, shall appoint not less than Four nor more than Eight Special Sessions, to be holden in the Division or Place for which each such Meeting shall be holden, in the Year next ensuing such General Annual Licensing Meeting, at Periods as near as may be equally distant; at which Special Session it shall be lawful for the Justices then and there assembled, in the Cases and in the Manner and for the Time herein-after directed, to license such Persons intending to keep Inns theretofore kept by other Persons being about to remove from such Inns, as they the said Justices shall, in the Execution of the Powers herein contained, and in the Exercise of their Discretion, deem fit and proper Persons, under the Provisions herein-after enacted, to be licensed to sell exciseable Liquors by Retail, to be drunk or consumed on the Premises.

Notice to be given of the Adjournment of the General Annual Licensing Meeting and Special Sessions.

V. And be it further enacted, That whenever the Justices shall have ordered any such Adjournment of the General Annual Licensing Meeting, or shall have appointed such Special Sessions as aforesaid, the Day, Hour, and Place for holding every such adjourned Meeting, and every such Special Session, shall be appointed by Precept of the Majority of the said Justices, directed to the High Constable, requiring Notices, similar in Form to those given at the General Annual Licensing Meeting, to be affixed on the Door of the Church or Chapel, or on some other public and conspicuous Place, and to be served upon the same Parties.

What Justices shall be disqualified from acting.

VI. And be it further enacted, That no Justice who shall be a common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, or who shall be concerned in Partnership with any common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, shall act in or be present at any General Annual Licensing Meeting, or at any Adjournment thereof, or at any Special Session for granting or transferring Licences under this Act, or shall take part in the Discussion or Adjudication of the Justices upon any Application for a Licence, or upon any Appeal therefrom; and no Justice shall act, upon any of the aforesaid Occasions, in the Case of any House licensed or about to be licensed under this Act, of which such Justice shall be the Owner, or for the Owner of which he shall be Manager or Agent, or of any House being in whole or in part the Property of any common Brewer, Distiller, Maker of Malt for Sale, or Retailer of Malt or of any exciseable Liquor, to whom such Justice shall be, either by Blood or by Marriage, the Father, Son, or Brother, or of whom such Justice shall be the Partner in any other Trade or Calling; and that every Justice who, being hereby disqualified, shall knowingly or wilfully so offend shall for every such Offence forfeit and pay the Sum of One hundred Pounds: Provided always, that nothing herein contained shall extend to disqualify any Justice (not otherwise disqualified, and having no beneficial Interest in the House licensed or about

about to be licensed under this Act,) from acting on any of the Occasions aforesaid, by reason of the legal Estate in such House being vested in him as Trustee for any Person or Persons, or for any charitable or public Use or Purpose whatsoever.

When in Liberties, &c. Two Justices not disqualified do not attend, the County Justices may act.

VII. And be it further enacted, That whenever at any of the Meetings to be holden as aforesaid for any Liberty, County of a City, County of a Town, City, or Town Corporate, there shall not be present at least Two Justices acting in and for any such Liberty, County of a City, County of a Town, City, or Town Corporate, who are not disqualified, it shall be lawful for the Justices acting in and for the County or Counties adjoining to such Liberty, County of a City, County of a Town, City, or Town Corporate, and not disqualified from acting, to act within such Liberty or Place, and with the Justice or Justices thereof, not as herein-before disqualified, who shall be present at any such Meeting as aforesaid, for the Purpose of granting or transferring Licences under, or of hearing Complaints as to Offences against, this Act; any Law, Custom, or Usage to the contrary notwithstanding.

Powers hereby given to the Justices of the County not to extend to the Cinque Ports.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend to give the Justices of the County, or any Division thereof, any Power or Authority for the putting of the Provisions of this Act in execution within any of the Cinque Ports or either of the Two ancient Towns, or any of the Corporate or other Members or Liberties of the Cinque Ports or Two ancient Towns; but that it shall be lawful for the Justices of and for each of the principal Cinque Ports and Two ancient Towns, and not as herein-before disqualified from acting, and none other, to act within and for the same, and the Liberties thereof, not Corporate, respectively, as they have been accustomed, and for them or any of them (not so as last aforesaid disqualified,) to act within each of the Corporate Members immediately belonging or subordinate to such principal Cinque Port or ancient Town, with the Justice or Justices of each such Corporate Member, (not so as last aforesaid disqualified,) for the Purpose of granting or transferring Licences under, or of hearing Complaints as to Offences against, this Act, in all such Cases in which the Justices of the County are herein-before empowered or authorized to act with the Justice or Justices of any Liberty, County of a City, County of a Town, City, or Town Corporate.

Questions respecting Licences to be determined, and Licences to be signed, by the Majority of Justices at the Meeting.

IX. And be it further enacted, That when (at any of the Meetings aforesaid) any Question touching the granting, withholding, or transferring any Licence, or the Fitness of the Person applying for such Licence, or of the House intended to be kept by such Person, shall arise, such Question shall be determined by the Majority of Justices, not disqualified, who shall be present when such Question shall arise; and every Licence granted under the Authority of this Act shall be signed by the Majority of the Justices, not disqualified, who shall be present when such Licence shall be granted.

X. *And*

X. And be it further enacted, That every Person intending to apply for a Licence to sell exciseable Liquor by Retail, to be drunk or consumed in any House not theretofore kept as an Inn, shall affix or cause to be affixed a Notice on the Door of such House, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and where there shall be no Church or Chapel, on some other public and conspicuous Place within such Parish or Place, on Three several *Sundays* between the First Day of *January* and the last Day of *February* in the Counties of *Middlesex* and *Surrey*, and elsewhere between the First Day of *June* and the last Day of *July*, at some Time between the Hours of Ten in the Forenoon and of Four in the Afternoon, and shall serve a Copy of such Notice upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the said Parish or Place, within the Month of *February* in the Counties of *Middlesex* and *Surrey*, and elsewhere within the Month of *July*, prior to the General Annual Licensing Meeting; and every such Notice, and the Copies thereof, shall be written in a fair and legible Hand, or printed, and shall be according to the Form in the Schedule hereunto annexed, marked A., and shall be signed by the Party intending to make such Application, or by his Agent thereunto authorized, and shall set forth the Situation of the House in a true and particular Manner, and the Christian and Surname of the Party applying, together with the Place of his Residence, and his Trade or Calling, during the Six Months previous to the Time of serving such Notice, and his Intention to apply for a Licence to sell exciseable Liquor by Retail, to be drunk or consumed in such House or Premises.

Notice of Application for a Licence to keep a House as an Inn, not previously kept as such.

XI. And be it further enacted, That every Person holding a Licence under the Authority of this Act, or his Heirs, Executors, Administrators, or Assigns, being desirous to transfer such Licence to some other Person, and intending to apply at the Special Session then next ensuing for Permission so to do, shall, Five Days at the least prior to such Special Session, serve a Notice of such his Intention upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the Parish or Place in which the House kept by the Person so holding such Licence is situate; and every such Notice shall be written in a fair and legible Hand, or printed, and shall be according to the Form in the Schedule hereunto annexed, marked B., and shall be signed by the Party intending to make such Application, or by his Agent thereunto authorized, and shall set forth the Christian and Surname of the Person to whom it is intended that such Licence shall be transferred, together with the Place of his Residence, and his Trade or Calling, during the Six Months previous to the Time of serving such Notice.

Notice of Application to transfer a Licence.

XII. And be it further enacted, That if any Person intending to apply at the General Annual Licensing Meeting, or at any Adjournment thereof, or at any Special Session, for any Licence to be granted under the Authority of this Act, or for the Transfer of any such Licence,

Any Person hindered from attending any Licensing Meeting by Sickness may

authorize another Person to attend for him.

Licence, shall be hindered by Sickness or Infirmity, or by any other reasonable Cause, from attending in Person at any such Meeting, it shall be lawful for the Justices there assembled to grant or transfer such Licence to such Person so hindered from attending, and to deliver the same to any Person then present, who shall be duly authorized by the Person so hindered from attending to receive the same, Proof being adduced to the Satisfaction of such Justices, who are hereby empowered to examine upon Oath into the Matter of such Allegation, that such Person is hindered from attending by good and sufficient Cause.

Form of Licence.

XIII. And be it further enacted, That every Licence which shall be granted under the Authority of this Act shall be according to the Form in the Schedule hereunto annexed (marked C.), and shall be in force in the Counties of *Middlesex* and *Surrey* from the Fifth Day of *April*, and elsewhere from the Tenth Day of *October*, after the granting thereof, for One whole Year thence respectively next ensuing, and no longer; and every Licence for the Purposes aforesaid, which shall be granted at any other Time or Place, or in any other Form than that hereby directed, except as herein-after excepted, shall not entitle any Person to obtain an Excise Licence for selling exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, and shall be utterly void to all Intents and Purposes.

Provision for Death, Change of Occupancy, or other Contingency.

XIV. And be it further enacted, That if any Person duly licensed under this Act shall (before the Expiration of such Licence) die, or shall be, by Sickness or other Infirmity, rendered incapable of keeping an Inn, or shall become bankrupt, or shall take the Benefit of any Act for the Relief of Insolvent Debtors; or if any Person so licensed, or the Heirs, Executors, Administrators, or Assigns of any Person so licensed, shall remove from or yield up the Possession of the House specified in such Licence; or if the Occupier of any such House, being about to quit the same, shall have wilfully omitted, or shall have neglected to apply, at the General Annual Licensing Meeting, or at any Adjournment thereof, for a Licence to continue to sell exciseable Liquors by Retail, to be drunk or consumed in such House; or if any House, being kept as an Inn by any Person duly licensed as aforesaid, shall be or be about to be pulled down or occupied under the Provisions of any Act for the Improvement of the Highways, or for any other public Purpose; or shall be, by Fire, Tempest, or other unforeseen and unavoidable Calamity, rendered unfit for the Reception of Travellers, and for the other legal Purposes of an Inn; it shall be lawful for the Justices assembled as aforesaid at a Special Session, holden under the Authority of this Act, for the Division or Place in which the House so kept or having been kept shall be situate, in any one of the above-mentioned Cases, and in such Cases only, to grant to the Heirs, Executors, or Administrators of the Person so dying, or to the Assigns of such Person becoming incapable of keeping an Inn, or to the Assignee or Assignees of such Bankrupt or Insolvent, or to any new Tenant or Occupier of any House having so become unoccupied, or to any Person to whom such Heirs, Executors,

cutors, Administrators, or Assigns shall by Sale or otherwise have *bonâ fide* conveyed or otherwise made over his or their Interest in the Occupation and Keeping of such House, a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in such House, or the Premises thereunto belonging; or to grant to the Person whose House shall as aforesaid have been or shall be about to be pulled down or occupied for the Improvement of the Highways, or for any other public Purpose, or have become unfit for the Reception of Travellers, or for the other legal Purposes of an Inn, and who shall open and keep as an Inn some other fit and convenient House, a Licence to sell exciseable Liquors by Retail, to be drunk or consumed therein: Provided always, that every such Licence shall continue in force only from the Day on which it shall be granted until the Fifth Day of *April* or the Tenth Day of *October* then next ensuing, as the Case may be: Provided also, that every Person intending to apply, in any of the above-mentioned Cases, at any such Special Session for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House or Premises thereunto belonging, in which exciseable Liquors shall not have been sold by Retail, to be drunk or consumed on the Premises, by virtue of a Licence granted at the General Annual Licensing Meeting next before such Special Session, shall, on some one *Sunday* within the Six Weeks next before such Special Session, at some Time between the Hours of Ten in the Forenoon and of Four in the Afternoon, affix or cause to be affixed on the Door of such House, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and where there shall be no Church or Chapel, on some other public and conspicuous Place within such Parish or Place, such and the like Notice as is herein-before directed to be affixed by every Person intending to apply at the General Annual Licensing Meeting for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House not theretofore kept as an Inn, and shall in like Manner serve Copies of the said Notice on one of the Overseers of the Poor, and on one of the Constables or other Peace Officers of such Parish or Place.

Duration of Licence granted in event of such Contingency.

Notices required.

XV. And be it further enacted, That it shall be lawful for the Clerk of the Justices, as well at the General Annual Licensing Meeting as also at any Special Session to be holden under this Act, to demand and receive from every Person to whom a Licence shall be granted under this Act, for the Trouble of such Clerk, and for all Expences connected therewith, the Sums following, and no more; *videlicet*, for the Petty Constable or other Peace Officer, for serving Notices, and for all other Services hereby required of such Petty Constable or other Peace Officer, the Sum of One Shilling; for the Clerk of the Justices, for the Licence, the Sum of Five Shillings; and for preparing the Precepts to be directed to the High Constable, and Notices to be delivered by the Petty Constable, as required by this Act, the Sum of One Shilling and Sixpence; and every such Clerk, who shall demand or receive from any Person for such respective Fees in this Behalf any greater Sum or any thing of greater Value than the Sums herein-before specified, being in the whole the Sum

Fees to be paid for Licences.

Penalty for taking larger Fees.

Sum of Seven Shillings and Sixpence, shall for every such Offence, on Conviction before One Justice, forfeit and pay the Sum of Five Pounds.

Persons disqualified to hold Licences.

XVI. And be it further enacted, That no Sheriff's Officer, or Officer executing the legal Process of any Court of Justice in any County or Place, shall be capable of receiving or using any Licence under this Act; and that every Licence granted or transferred to any Person exercising any such Office shall be void to all Intents and Purposes.

No Excise Licence to be granted, except to a Person licensed under this Act.

XVII. And be it further enacted, That no Licence for the Sale of any exciseable Liquors by Retail, to be drunk or consumed on the Premises of the Person licensed, shall be granted by the Commissioners of Excise, or by any Officer of Excise, to any Person whatsoever, unless such Person shall have previously obtained from the Justices a Licence under this Act, and which said Licence of such Justices shall be retained by such Person after being produced to the Commissioners or Officers of Excise; and every Licence granted by the Commissioners of Excise, or by any Officer of Excise, contrary to this Provision, shall be null and void to all Intents and Purposes.

Penalty for selling exciseable Liquors by Retail without Licence.

XVIII. And be it further enacted, That every Person who shall sell, barter, exchange, or for valuable Consideration otherwise dispose of, any exciseable Liquor by Retail, to be drunk or consumed in his House or Premises, or shall permit or suffer any exciseable Liquor to be sold, bartered, exchanged, or otherwise disposed of for valuable Consideration, by Retail, to be drunk or consumed in his House or Premises, without being duly licensed so to do; and that every Person, being duly licensed, who shall sell, barter, exchange, or for valuable Consideration otherwise dispose of, or shall permit or suffer to be sold, bartered, exchanged, or otherwise disposed of for valuable Consideration, any exciseable Liquor by Retail, to be drunk or consumed in his House or Premises, not being the House or Premises specified in such Licence; shall respectively for every such Offence, on Conviction before One Justice, forfeit and pay any Sum not exceeding Twenty nor less than Five Pounds, together with the Costs of the Conviction: Provided always, that no Penalty for such Sale, Barter, Exchange, or other Disposal of any such Liquor by Retail without Licence, shall be incurred by the Heirs, Executors, Administrators, or Assigns of any Person licensed under this Act, who shall die, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, before the Expiration of his Licence, so as such Sale, Barter, Exchange, or other Disposal of such Liquor, be made in the House or Premises specified in such Licence, and take place prior to the Special Session then next ensuing, unless such Special Session shall be holden within Fourteen Days next after the Death, Bankruptcy, or Insolvency of the said Person, and in any such Case to the Special Session which shall be holden next after such Special Session aforesaid.

Proviso in case of Death.

XIX. And

XIX. And be it further enacted, That every Person hereby licensed to sell exciseable Liquors by Retail, to be drunk or consumed in his House or Premises, shall, if required, sell or otherwise dispose of all such Liquors by Retail therein (except in Quantities less than a Half Pint,) by the Gallon, Quart, Pint, or Half Pint Measure, sized according to the Standard, and shall also, if required by any Guest or Customer purchasing such Liquor, retail the same in a Vessel sized according to such Standard; and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered within Thirty Days next after that on which such Offence was committed, before any One Justice; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Licensed Persons to use Standard Measures in Sale of Liquors.

XX. And be it further enacted, That it shall be lawful for any Two Justices acting for any County or Place where any Riot or Tumult shall happen or be expected to take place, to order or direct that every Person licensed under this Act, and keeping any House situate within their respective Jurisdictions in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House at any Time which the said Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed, shall be taken and deemed to have not maintained good Order and Rule therein.

Houses to be closed by Order of Justices in Cases of Riot, &c.

XXI. And be it further enacted, That every Person licensed under this Act, who shall be convicted before Two Justices, acting in and for the Division or Place in which shall be situate the House kept or theretofore kept by such Person, of any Offence against the Tenor of the Licence to him granted, shall, unless Proof be adduced to the Satisfaction of such Justices, that such Person had been theretofore convicted before Two Justices within the Space of the Three Years next preceding of some Offence against the Tenor of the Licence subsisting at the Time when such last-mentioned Offence was committed, be adjudged by such Justices to be guilty of a First Offence against the Provisions of this Act relative to the Maintenance of good Order and Rule, and to forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of the Conviction; but if Proof shall be adduced to the Satisfaction of such Justices, that such Person had been previously convicted before Two Justices, within the Space of the Three Years next preceding, of One Offence only against the Tenor of the Licence subsisting at the Time when such last-mentioned Offence was committed, such Person shall be adjudged by such Justices to be guilty of a Second Offence against the Provisions of this Act as aforesaid, and to forfeit and pay any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; but if Proof shall be adduced to the Satisfaction of such Justices, that such Person had been previously convicted before Two Justices, within the Space of the Three Years next preceding, of Two separate Offences

Penalties for Offences against Tenor of Licences.

1st Offence.

2d Offence.

Offences against the Tenor of the Licences subsisting at the Times when such last-mentioned Offences were committed, it shall be lawful for the said Justices, and they are hereby required, to adjourn the further Consideration of the Charge so made against such Person as aforesaid to the Special Session to be then next holden under this Act for the Division or Place in which shall be situate the House kept by such Person, or to the General Annual Licensing Meeting for the said Division or Place, if such Meeting shall take place before any such Special Session shall be holden; and such Justices shall issue their Summons to the Person so charged, to appear at such Special Session or at such General Annual Licensing Meeting, then and there to answer to the Matter of such Charge; and shall bind the Person who shall make such Charge, and any other Person who shall have any Knowledge of the Circumstances thereof, in a sufficient Recognizance, to appear at such Special Session or at such General Annual Licensing Meeting, then and there to prosecute and to give Evidence upon such Charge; and if Proof shall be adduced to the Satisfaction of the Justices assembled at such Special Session or at such General Annual Licensing Meeting, that such Person so charged is guilty of the Offence with which he is so charged, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act as aforesaid, and to forfeit and pay any Sum not exceeding Fifty Pounds, together with the Costs of the Conviction: Provided always, that if at any Time before the Hearing of any such last-mentioned Charge, the Justices assembled as aforesaid shall in their Discretion think fit to direct that the Hearing of such Charge shall be adjourned to the General or Quarter Session of the Peace then next ensuing, there to be inquired of by a Jury, or if the Person so charged shall, in Writing under his Hand, request the said Justices to direct that the Hearing of such Charge shall be so adjourned as aforesaid, the said Justices are hereby required to direct that the Hearing of such Charge shall be so adjourned, provided that the Person who shall have made such Request shall, before such Justices so assembled, forthwith enter into a Recognizance, with Two sufficient Sureties, personally to appear at the said General or Quarter Session, and to try such Charge, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and the said Justices are hereby required to bind in a Recognizance to appear at such General or Quarter Sessions as aforesaid, then and there to give Evidence against the Person so charged, the Person who shall make such Charge, and any other Person who shall have any Knowledge of the Circumstances thereof; and it shall be lawful for the said Court of General or Quarter Session to direct a Jury then and there duly impannelled to be sworn to inquire of the Offence so charged to have been committed, and upon their Verdict of "Guilty," to adjudge such Person to be guilty of a Third Offence against the Provisions of this Act as aforesaid, and such Verdict and Adjudication shall be final to all Intents and Purposes; and to punish such Offender by Fine, not exceeding the Sum of One hundred Pounds, or to adjudge the Licence granted to and held by or on behalf of such Offender to be forfeited and void, or to

3d Offence.

Hearing of the Case may be adjourned to the Quarter Session.

Penalty on Verdict of "Guilty."

punish such Offender by such Fine as aforesaid, and to adjudge such Licence to be forfeited and void, and if such Licence shall be adjudged to be forfeited and void, it shall thenceforth be void accordingly; and every Excise Licence for selling any exciseable Liquors by Retail, then held by or on behalf of such Offender, shall also be void; and if the Licence of such Offender shall be so adjudged to be void, such Offender shall, from and after such last-mentioned Adjudication, be deemed and taken to be incapable of selling exciseable Liquors by Retail in any Inn kept by him for the Space of Three Years, to be computed from the Time of such Adjudication; and any Licence granted to such Person during such Term shall be void to all Intents and Purposes: Provided also, that the Court may, upon sufficient Cause shown, adjourn the Hearing of such Charge to the then next General or Quarter Session of the Peace, when the same shall be finally determined.

Quarter Sessions may adjourn the Hearing.

XXII. And be it further enacted, That in every Case in which the Justices assembled at any Special Session or at any General Annual Licensing Meeting shall direct that the Charge against any Person licensed under this Act shall be adjourned to the General or Quarter Session, it shall be lawful for such Justices, if no other fit and proper Person shall appear to prosecute such Charge, and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that the Constable or other Peace Officer of the Parish or Place in which shall be situate the House kept by the Person so charged, shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind such Constable or other Peace Officer in a sufficient Recognizance so to do; and it shall be lawful for the Justices before whom such Charge shall have been heard, to order the Treasurer of the County or Place in and for which such Justices shall then act, to pay to such Constable or other Peace Officer, and to the Witness or Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse such Constable or other Peace Officer, and such Witness or Witnesses respectively, the Expences that he or they shall have been severally put to in and about such Prosecution; which Order the Clerk of the Peace is hereby directed and required forthwith to make out and to deliver to such Constable or other Peace Officer, or to such Witness or Witnesses; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Constable or other Peace Officer, or other Person authorized to receive the same, such Money as aforesaid; and the said Treasurer shall be allowed the same in his Accounts.

Proceedings at the Session in certain Cases to be carried on by the Petty Constable.

Expences of Prosecution to be charged on County Rates.

XXIII. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice touching any of the Matters aforesaid, either on the Part of the Complainant or of the Person accused, and shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Justice, or who appearing

Penalty on Witnesses not attending.

appearing shall refuse to be examined on Oath or Affirmation and give Evidence, every such Person shall on Conviction before such Justice forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalties on Justices how to be recovered and applied.

XXIV. And be it further enacted, That every Penalty and Forfeiture imposed by this Act upon any Justice may be sued for and recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and one Moiety of every such Penalty or Forfeiture shall be paid to the Use of His Majesty, His Heirs and Successors, and the other Moiety to him who shall sue for the same.

Other Penalties how to be recovered.

XXV. And be it further enacted, That in every Case in which, under the Authority of this Act, any Justice shall adjudge that any Offender shall pay or cause to be paid any Penalty, and such Offender shall refuse or neglect forthwith, or within such Period as such Justice shall appoint, to pay such Penalty and any Costs which shall have been duly assessed and ascertained by such Justice, it shall be lawful for such Justice, if he shall think fit, to issue his Warrant, and to levy the Amount of such Penalty and Costs by Distress and Sale of the Goods and Chattels of such Offender, together with the Costs of such Distress and Sale; and in every such Case such Offender, if in Custody at the Time that such Warrant shall be so issued, shall be forthwith discharged; but if it shall appear to such Justice that the Goods and Chattels of such Offender are not sufficient whereon to levy such Distress, together with the Costs of such Distress and Sale, it shall be lawful for such Justice to commit the Offender to the Common Gaol or to the House of Correction of the County or Place for which such Justice shall be then acting, for any Term not exceeding One Calendar Month, if the Penalty shall not be above Five Pounds; for any Term not exceeding Three Calendar Months, if the Penalty shall be above Five Pounds, and shall not be more than Ten Pounds; and for any Term not exceeding Six Calendar Months, if the Penalty shall be above Ten Pounds: Provided nevertheless, that whenever such Offender shall have been committed to the Common Gaol or House of Correction, in consequence of his not having duly paid such Penalty and Costs, such Offender shall, if he pay or cause to be paid to the Gaoler or Keeper of the House of Correction, or to whomsoever such Justice shall have appointed, the Penalty imposed, and Costs, together with all the Costs of the Apprehension of him, and of the Conveyance of him to the said Gaol or House of Correction, at any Time previous to the Expiration of the Time for which such Offender shall so have been committed, be forthwith discharged.

How Penalties are to be applied.

XXVI. And be it further enacted, That it shall be lawful for any Justice, before whom any Penalty shall be recovered under the Provisions of this Act, to award, if he shall think fit, any Portion of the same, not in any Case exceeding One Moiety thereof, to the Use of the Prosecutor, and the Remainder to the Treasurer of the County or Place for which such Justice shall then act; and the said Treasurer shall

shall place the same to the Credit of such County or Place, and shall duly account for the same.

Appeal may be made to the Quarter Sessions.

XXVII. And be it further enacted, That any Person who shall think himself aggrieved by any Act of any Justice, done in or concerning the Execution of this Act, may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint shall have arisen, unless such Session shall be holden within Twelve Days next after such Act shall have been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards, provided that such Person shall give to such Justice Notice in Writing of his Intention to appeal, and of the Cause and Matter thereof, within Five Days next after such Act shall have been done, and Seven Days at the least before such Session, and shall within such Five Days enter into a Recognizance, with Two sufficient Sureties, before a Justice acting in and for such County or Place as aforesaid, conditioned to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody for any Offence in reference to which the Act intended to be appealed against shall have been done; and the Court at such Session shall hear and determine the Matter of such Appeal, and shall make such Order therein, with or without Costs, as to the said Court shall seem meet; and in case the Act appealed against shall be the Refusal to grant or to transfer any Licence, and the Judgment under which such Act was done be reversed, it shall be lawful for the said Court to grant or to transfer such Licence, in the same Manner as if such Licence had been granted at the General Annual Licensing Meeting, or had been transferred at a Special Session; and the Judgment of the said Court shall be final and conclusive to all Intents and Purposes; and in case of the Dismissal of such Appeal, or of the Affirmance of the Judgment on which such Act was done, and which was appealed against, the said Court shall adjudge and order the said Judgment to be carried into Execution, and Costs awarded to be paid, and shall if necessary issue Process for enforcing such Order; provided that no Justice shall act in the Hearing or Determination of any Appeal to the General or Quarter Sessions as aforesaid from any Act done by him in or concerning the Execution of this Act: Provided also, that when any Cause of Complaint shall have arisen within any Liberty, County of a City, County of a Town, City, or Town Corporate, it shall be lawful for the Person who shall think himself so as aforesaid aggrieved to appeal against any such Act as aforesaid, if he shall think fit, to the Quarter Sessions of the County within or adjoining to which such Liberty or Place shall be situate, subject to all the Provisions herein-before contained.

Judgment of the Quarter Session to be final.

Justices to bind Parties to appear to

XXVIII. And be it further enacted, That when any Person shall have given Notice of his Intention to appeal as aforesaid, and shall have entered into Recognizance as herein-before directed, it shall be lawful

give Evidence at Quarter Session.

for the Justice before whom such Recognizance shall have been entered into to summon any Person whose Evidence shall appear to him to be material, and to require such Person to be bound in Recognizance to appear at the said General or Quarter Session, and to give Evidence in such Appeal; and in case any such Person as aforesaid shall neglect or refuse to obey such Summons, or shall refuse to enter into such Recognizance, it shall be lawful for such Justice as aforesaid to issue his Warrant to apprehend such Person so neglecting or refusing to obey such Summons, and to bring him before such Justice, and, if such Person shall continue to refuse to enter into such Recognizance, to commit him to the Common Gaol or House of Correction of the County or Place for which such Justice shall be then acting, there to remain until he shall enter into such Recognizance, or shall be otherwise discharged by due Course of Law.

Court to adjudge Costs in certain Cases.

XXIX. And be it further enacted, That in every Case where Notice of Appeal against the Judgment of any Justice in or concerning the Execution of this Act shall have been given, and such Appeal shall have been dismissed, or the Judgment so appealed against shall have been affirmed, or such Appeal shall have been abandoned, it shall be lawful for the Court to whom such Appeal shall have been made or intended to be made, and such Court is hereby required, to adjudge and order that the Party so having appealed, or given Notice of his Intention to appeal, shall pay to the Justice to whom such Notice shall have been given, or to whomsoever he shall appoint, such Sum, by way of Costs, as shall in the Opinion of such Court be sufficient to indemnify such Justice from all Cost and Charge whatsoever to which such Justice may have been put in consequence of his having had served upon him Notice of the Intention of such Party to appeal; and if such Party shall refuse or neglect forthwith to pay such Sum, it shall be lawful for the said Court to adjudge and order that the Party so refusing or neglecting shall be committed to the Common Gaol or House of Correction, there to remain until such Sum be paid; and that in every Case in which the Judgment so appealed against shall be reversed, it shall be lawful for such Court, if it shall think fit, to adjudge and order that the Treasurer of the County or Place in and for which such Justice whose Judgment shall have been so reversed shall have acted on the Occasion when he shall have given such Judgment, shall pay to such Justice, or to whomsoever he shall appoint, such Sum as shall, in the Opinion of such Court, be sufficient to indemnify such Justice from all Costs and Charges whatsoever to which such Justice may have been so put; and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

Actions against Justices, &c.

XXX. And be it further enacted, That every Action against any Justice, Constable, or other Person, for or on account of any Matter or Thing whatsoever done or commanded by him in the Execution of his Duty or Office under this Act, shall be commenced within Three Calendar Months after the Cause of Action or Complaint shall have arisen, and not afterwards; and if any Person shall be sued for any Matter or Thing which he shall have done in the Exe-

cution of this Act, he may plead the General Issue, and give the special Matter in Evidence.

Conviction to be on Oath of Witnesses.

XXXI. And be it further enacted, That every Conviction under this Act shall be on the Oath or Oaths of One or more credible Witness or Witnesses; and that any Justice, not as herein-before disqualified, and acting in and for the County or Place in which the Offence complained of shall have been committed, is hereby authorized to administer the same.

Form of Conviction.

XXXII. And in order to prevent frivolous and vexatious Appeals, be it further enacted, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, as the Case may be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence, in any more particular Manner; that is to say,

' to wit. } BE it remembered, That on this Day of in the Year
'*A. B.* of was duly convicted before
'of His Majesty's Justices of the Peace for the
'of for that [*here state the Offence, and the Time and*
'*Place when committed*], whereby the said *A. B.* has forfeited the
'Sum of this being adjudged to be the First [*or*
'Second, *or* Third] Offence [*as the Case shall happen to be,*] against
'the Provisions of an Act to regulate the granting of Licences to
'Keepers of Inns, Alehouses, and Victualling Houses, in *England*,
'besides the Costs of this Conviction, which
'the said Justices do hereby assess at the Sum of
'pursuant to the Statute in such Case made and provided. Given
'under Hand and Seal the Day and Year above written.'

Convictions to be returned to the Quarter Sessions, and filed of Record.

XXXIII. And be it further enacted, That every Justice before whom any such Conviction shall have been made shall return the same, or cause it to be returned, to the next General or Quarter Session of the Peace holden for the County or Place wherein the Offence shall have been committed; and it shall be then and there delivered to the Clerk of the Peace, or other Person acting as such, to be by him filed or enrolled amongst the Records of the said Court; and the Certificate of the Clerk of the Peace of such Conviction, which he is hereby required to grant on Demand upon Payment of a Fee of One Shilling, shall be legal Evidence of every such Conviction.

Writ of Certiorari not to be allowed.

XXXIV. And be it further enacted, That no Conviction under this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed, by Writ of Certiorari or otherwise, into any of His Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same.

XXXV.

Commencement of this Act.

XXXV. And be it further enacted, That this Act shall commence on the Tenth Day of *October* next ensuing the passing thereof; and that from and after the Commencement of this Act, an Act passed in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, intituled *An Act for Keepers of Alehouses and Tippling Houses to be bound by Recognizances;* and an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act to restrain the inordinate haunting and tippling in Inns, Alehouses, and other Victualling Houses;* and Two Acts passed in the Fourth Year of the same Reign, the one intituled *An Act to restrain the Utterance of Beer and Ale to Alehouse Keepers and Tipplers not licensed;* and the other intituled *An Act for repressing the odious and loathsome Sin of Drunkenness;* and an Act passed in the Seventh Year of the same Reign, intituled *An Act for Reformation of Alehouse Keepers;* and so much of an Act passed in the Twenty-first Year of the same Reign, intituled *An Act for the better repressing of Drunkenness, and restraining the inordinate haunting of Inns, Alehouses, and other Victualling Houses,* as provides, that any Person being an Alehouse Keeper, and who shall be convicted of any Offence against the said Act, shall be disabled from keeping an Alehouse for Three Years; and an Act passed in the First Year of the Reign of King *Charles* the First, intituled *An Act for the further Restraint of tippling in Inns, Alehouses, and other Victualling Houses;* and an Act passed in the Third Year of the same Reign, intituled *An Act for better suppressing of unlicensed Alehouse Keepers;* and so much of an Act passed in the Ninth Year of the Reign of King *George* the Second, for laying a Duty upon the Retailers of Spirituous Liquors, and for licensing the Retailers thereof, as relates to the licensing of such Retailers, and to the Conviction of Persons selling Liquors by Retail without a Licence, and to the summoning of Excise Officers, for the more easy Discovery of such Offenders; and so much of an Act passed in the Twenty-fourth Year of the same Reign, for granting an additional Duty upon Spirituous Liquors, and other Purposes, as relates to the Fees of Justices Clerks; and so much of an Act passed in the Twenty-sixth Year of the same Reign, for preventing the fraudulent Removal of Tobacco, and other Purposes, as prevents Justices of the Peace in certain Cases from granting Licences; and the Whole of another Act passed in the same Year, intituled *An Act for regulating the Manner of licensing Alehouses in the Part of* Great Britain *called* England, *and for the more easy convicting Persons selling Ale and other Liquors without Licence;* and so much of an Act passed in the Twenty-eighth Year of the same Reign, as explains a Clause in the last-mentioned Act; and so much of an Act passed in the Twenty-ninth Year of the same Reign, intituled *An Act for granting to His Majesty a Duty upon Licences for retailing Beer, Ale, and other exciseable Liquors, and for establishing a Method for granting such Licences in* Scotland, *and for allowing such Licences to be granted at a Petty Session in* England, *in a certain Case therein mentioned,* as relates to continuing and renewing Licences; and so much of an Act passed in the Thirtieth Year of the same Reign, for (among other Purposes) preventing Gaming in Public Houses by Journeymen, Labourers, Servants, and Apprentices, as imposes a Penalty on the

Repeal of 5 & 6 Ed. 6. c. 25. 1 Jac. 1. c. 9. 4 Jac. 1. c. 4 & 5. 7 Jac. 1. c. 10. 21 Jac. 1. c. 7. 1 Car. 1. c. 4. 3 Car. 1. c. 3. 9 G. 2. c. 23. s. 14, 15. 20. 24 G. 2. c. 40. s. 24. 26 G. 2. c. 13. s. 12. 26 G. 2. c. 31. 28 G. 2. c. 19. s. 2. 29 G. 2. c. 12. s. 23, 24. 30 G. 2. c. 24. s. 14.

the Keepers of Public Houses for suffering Gaming; and so much of an Act passed in the Fifth Year of the Reign of King *George* the Third, intituled *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in* Great Britain, as requires Retailers of exciseable Liquors to exhibit their Licences, and Clerks of the Peace to deliver Lists of Persons licensed, and altering the Punishment of such Retailers selling without a Licence; and the Whole of an Act passed in the Thirty-second Year of the same Reign, intituled *An Act to amend so much of Two Acts made in the Twenty-sixth and Twenty-ninth Years of the Reign of His late Majesty King* George *the Second, as relates to the licensing of Alehouse Keepers and Victuallers, and for better regulating Alehouses and the Manner of granting such Licences in future, and also of granting Licences to Persons selling Wines to be drunk in their Houses;* and so much of an Act passed in the Thirty-eighth Year of the same Reign, intituled *An Act to amend several Laws of Excise relating to Coachmakers, Auctioneers, Beer and Cider exported, Certificates and Debentures, Stamps on Hides and Skins, Drawbacks on Wines and Sweets, and Ale and Beer Licences,* as exempts from the foregoing Penalty Persons selling Beer or Ale above certain Quantities; and the Whole of an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for ascertaining the Rate of Duty to be paid for Retail Spirit Licences, and for authorizing the Justices of the Peace for any County to grant Licences to sell Ale, Beer, or other Liquors by Retail, in Cities and Places where a sufficient Number of Magistrates cannot be found qualified to grant such Licences;* and so much of an Act passed in the Forty-eighth Year of the same Reign, intituled *An Act to repeal the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other exciseable Liquors by Retail, and for granting other Duties in lieu thereof,* as relates to the Form of Justices Licences, and to Justices Clerks Fees; and so much of an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for altering the Time for holding General Annual Meetings for licensing Alehouses within the County of* Middlesex, *and for authorizing the Justices of the Peace for the said County to remunerate High Constables,* as alters the Time for holding such Meetings, and for giving Notices of applying for Licences for Houses not before licensed, shall be and the same are hereby repealed; except only such Parts of any of the said Acts as repeal any former Acts or Parts of Acts, and except also, that all Licences granted and Recognizances entered into under the said Acts hereby repealed, or any of them, or under an Act passed in the Third Year of His present Majesty's Reign, intituled *An Act for amending the Laws for regulating the Manner of licensing Alehouses in that Part of the United Kingdom called* England, *and for the more effectually preventing Disorders therein,* shall remain in full force and virtue until the End of the Terms for which such Licences and Recognizances respectively have been or shall be granted or entered into; and all Offences against the Tenor of the said Licences, or in Breach of the Conditions of such Recognizances, and all Offences committed against the said recited Acts, or any of them, before the Commencement of this Act,

5 G. 3. c. 46. s. 20, 21, 22.

32 G. 3. c. 59.

38 G. 3. c. 54. s. 13.

39 G. 3. c. 86.

48 G. 3. c. 143. s. 7. 10.

4 G. 4. c. cxxv. s. 1—6.

Except such Parts of Acts as repeal former Acts, and except as to subsisting Licences and Recognizances.

3 G. 4. c. 77.

shall and may be prosecuted, heard, determined, and punished, as if this Act had not been made; and all such Offences committed after the Commencement of this Act shall be prosecuted, heard, determined, and punished under the Provisions of this Act.

Act not to affect the Two Universities; nor to alter Time of licensing in London;

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities, or otherwise; or the Master, Wardens, Freemen, and Commonalty of the Vintners of the City of *London*, but not to extend to those Freemen of the said Company of Vintners who have obtained the same by Redemption only; nor to alter the Time of granting Licences for keeping Inns in the City of *London*: Provided also, that nothing in this Act contained shall alter any Law relating to the Revenue of Excise, except so far as the same is hereby expressly altered and otherwise provided for; nor to prohibit any Person from selling Beer in Booths or other Places at the Time and within the Limits of the Ground or Place in or upon which is holden any lawful Fair, in like Manner as such Person was authorized to do before the passing of this Act.

nor any Law of Excise; nor to prohibit the Sale of Beer at Fairs in certain Cases.

Rules for the Interpretation of this Act.

XXXVII. And in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Words "Treasurer of the County or Place" shall be deemed to include any Officer acting in such Capacity, or charged with the Receipt and Expenditure of Monies from and out of which the Cost of public Prosecutions have been usually defrayed; that the Words "Peace Officer" shall be deemed to include any Petty Constable, Tithingman, Headborough, Beadle, or Bailiff; that the Words "Parish Officer" shall be deemed to include any Churchwarden, Chapelwarden, or Overseer of the Poor; and that the said Words "Justice," "Treasurer of the County or Place," "Peace Officer," "Parish Officer," and the Words "High Constable," and the Words "Petty Constable," and the Words "Overseer of the Poor," and the Words, "Clerk of Justices," shall each be deemed to include any Person acting as such, and any Number of Justices, Treasurers, Peace Officers, Parish Officers, High Constables, Petty Constables, Overseers of the Poor, and Clerks of Justices; and that the Word "Person," and the Word "Party," shall be deemed to include any Number of Persons and Parties; and that the Meaning of the aforesaid several Words shall not be restricted, although the same may be subsequently referred to in the Singular Number and Masculine Gender only; and that the Word "Notice," and the Word "Licence," and the Word "Adjournment," and the Word "Day," and the Word "Time," and the Word "House," and the Word "Place," shall each be deemed to include any Number of Notices, Licences, Adjournments, Days, Times, Houses, or Places; and that the Word "County," and the Words "County or Place," shall be deemed severally to include any County, Riding, Division of the County of *Lincoln*,

Hundred, Division of a County, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; and the Words "Division or Place" shall be deemed to include any Division of a County or Riding, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; and that the Words "Parish or Place" shall be deemed to include any Township, Hamlet, Tithing, Vill, Extra-parochial Place, or any Place maintaining its own Poor; and that the Word "Inn" shall be deemed to include any Inn, Alehouse, or Victualling House; and that the Word "Inn, Alehouse, or Victualling House" shall be deemed to include all Houses in which shall be sold by Retail any exciseable Liquor, to be drunk or consumed on the Premises; and that the Words "exciseable Liquor" shall be deemed to include any Ale, Beer, or other fermented Malt Liquor, Sweets, Cyder, Perry, Wine, or other Spirituous Liquor which now is or hereafter may be charged with Duty either by Customs or Excise; and that the Word "Penalty" shall be deemed to include any Fine, Penalty, or Forfeiture of a pecuniary Nature; and that the Meaning of the said several Words shall not be restricted, although the same may be subsequently referred to in the Singular Number only.

SCHEDULES to which this Act refers.

A.

NOTICE to be affixed on the Door of the House, and of the Church or Chapel, or on other conspicuous Place, when it is intended to apply for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in a House not then kept as an Inn, Alehouse, or Victualling House.

TO the Overseers of the Poor, and the Constables of the Parish of and to all whom it may concern:

I *A. B.* [*state the Trade or Occupation,*] now residing at in the Parish of in the County of and for Six Months last past having resided at in the Parish of [*or* in the several Parishes of] in the County [*or* in the Counties of ,] do hereby give Notice, That [*if Application is intended to be made to a Special Session, here state the Cause for such Application*] it is my Intention to apply at the General Annual Licensing Meeting [*or* at the Special Session] to be holden at on the Day of next ensuing, for a Licence to sell exciseable Liquors by Retail, to be drunk or consumed in the House or Premises thereunto belonging, situate at [*here describe the House intended to be opened, specifying the Situation of it, the Person of whom rented, the present or late Occupier, whether kept or used as an Inn, Alehouse, or Victualling House within the Three Years preceding; and if so, by whom and under what Sign*]; and which I intend to keep as an Inn, Alehouse, or Victualling House.

Given under my Hand this Day of One thousand eight hundred and .

N. B.—A Copy of this Notice to be served upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the Parish in which is situate the House intended to be opened.

B.

NOTICE of the Intention of a Licensed Victualler to apply at the Special Session for Permission to transfer such Licence to some other Person.

TO the Overseers of the Poor and the Constables of the Parish of in the County of , and to all whom it may concern:

I *A. B.* [*or* We, the Executors, &c. &c. of the late *A. B.*] Victualler, being authorized by virtue of the Licence granted to me [*or* him, *or* her] at the General Annual

Annual Licensing Meeting [*or* Special Session] held at on the Day of One thousand eight hundred and to sell exciseable Liquor by Retail, to be drunk or consumed in the House or Premises thereunto belonging, situate at [*here describe the Situation of the House*], and commonly known by the Sign of the , do hereby give Notice, That it is my [*or* our] Intention to apply at the Special Session to be holden at in the County of on Day of One thousand eight hundred and for Permission to transfer the above-mentioned Licence to *C. D.* [*state his Trade or Occupation*] now residing at in the Parish of in the County of and for Six Months last past having resided at [*or* in the several Parishes of] in the County of [*or* Counties of], that the said *C. D.* intending to keep as an Inn, Alehouse, or Victualling House, the said House so as aforesaid kept by me [*or* us] may sell exciseable Liquors by Retail, to be drunk or consumed in the said House, or Premises thereunto belonging.

Given under my Hand this Day of One thousand eight hundred and .

N. B.—A Copy of this Notice to be served upon one of the Overseers of the Poor, and upon one of the Constables or other Peace Officers of the Parish in which is situate the House kept by the Person whose Notice it is.

C.

FORM OF LICENCE.

AT the General Annual Licensing Meeting [*or* an Adjournment of the General Annual Licensing Meeting, *or* at a Special Petty Session] of His Majesty's Justices of the Peace acting for the Division [*or* Liberty, &c., *as the Case may be*] of in the County of holden at on the Day of in the Year One thousand eight hundred and , for the Purpose of granting Licences to Persons keeping Inns, Alehouses, and Victualling Houses, to sell exciseable Liquors by Retail, to be drunk or consumed on their Premises, we, being of His Majesty's Justices of the Peace acting for the said County, [*or* Liberty, &c. &c. *as the Case may be*,] and being the Majority of those assembled at the said Session, do hereby authorize and empower *A. L.* now dwelling at in the Parish of and keeping [*or* intending to keep] an Inn, Alehouse, or Victualling House at the Sign of the in the of in the Division and County aforesaid, to sell by Retail therein, and in the Premises thereunto belonging, all such exciseable Liquors as the said *A. L.* shall be licensed and empowered to sell under the Authority and Permission of any Excise Licence, and to permit all such Liquors to be drunk or consumed in his said House or in the Premises thereunto belonging; provided that he [*or* she] do not fraudulently dilute or adulterate the same, or sell the same knowing them to have been fraudulently diluted or adulterated; and do not use in selling thereof any Weights or Measures that are not of the legal Standard; and do not wilfully or knowingly permit Drunkenness or other disorderly Conduct in his [*or* her] House or Premises; and do not knowingly suffer any unlawful Games or any Gaming whatsoever therein; and do not knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein; and do not keep open his or her House except for the Reception of Travellers, nor permit

or suffer any Beer or other exciseable Liquor to be conveyed from or out of his [*or* her] Premises, during the usual Hours of the Morning and Afternoon Divine Service in the Church or Chapel of the Parish or Place in which his [*or* her] House is situated, on Sundays, Christmas Day, or Good Friday, but do maintain good Order and Rule therein; and this Licence shall continue in force from the Day of next until the Day of then next ensuing, and no longer: Provided, that the said *A.L.* shall not in the meantime become a Sheriff's Officer, or Officer executing the Process of any Court of Justice, in either of which Cases this Licence shall be void. Given under our Hands and Seals, on the Day and at the Place first above written.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

****

C A P. LXII.

An Act for the Regulation of the Linen and Hempen Manufactures of Ireland.

[15th *July* 1828.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Linen and Hempen Manufactures of* Ireland; and it is expedient that the said Act should be repealed, and that the Powers required by the said Act to be executed by or under the Authority of the Trustees for encouraging the said Manufactures should cease and determine, and that other Regulations should be made for encouraging and protecting the Linen Manufacture of *Ireland;* be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act shall be and the same is hereby repealed; except so far as the said Act repeals the Whole or any Part of any other Acts, and except as to Matters and Things done and performed under the Authority of the said Act at any Time before the Commencement of this Act. 6 G. 4. c. 122. Recited Act repealed.

II. And be it further enacted, That from and after the Commencement of this Act all and singular the Appointments of Trustees for encouraging the said Manufactures, whether made before or since All Appointments of Trustees, and of the Autho-

rities and Salaries of their Officers and Servants, revoked.

the passing of the said recited Act, shall cease and determine, and shall be and the same are hereby declared to be null and void, and that all Appointments made by the said Trustees of Officers and Servants, or Persons employed or deputed by such Officers and Servants to assist them in their respective Duties, save as hereafter mentioned, shall also cease and determine, and shall be and the same are hereby declared to be null and void; and that all and singular the several Powers, Authorities, and Duties assigned to the said Officers and Servants, or other Persons so employed or deputed by them, under and by virtue of the said recited Act, together with all Salaries, Allowances, or other Emoluments payable to the said Officers, Servants, or other Persons under the Authority of any Appointment or Appointments made by the said Trustees, save as herein-after mentioned, shall cease and determine.

All Flax sold in Fair or Market to be of equal Cleanness and Quality, under Penalty not exceeding 1*s.* per Stone.

III. And be it further enacted, That all Flax of the Growth of *Ireland*, sold in open Fair or Market, and all Flax sold by Sample in Fair or Market, shall be of equal Cleanness and Quality throughout each Parcel, upon pain that any Person selling such Flax, or the Owner thereof at the Time of Sale, shall forfeit and pay a Sum not exceeding the Amount of One Shilling for every Stone of Flax so sold which shall not be of equal Cleanness and Quality throughout each Parcel; and in all Cases of Fraud or false Representation in the Sale of Flax, whether the same shall have been sold in open Fair or Market, or otherwise sold, and in all Cases of Fraud or Neglect by Persons employed by the Owners of Flax in cleaning and preparing the same for Sale, whether such Flax shall have been afterwards sold in open Fair or Market, or otherwise sold, the Person selling such Flax, or the Owner thereof at the Time of Sale, or the Persons so employed to clean such Flax, shall forfeit a Sum not exceeding One Shilling for every Stone of such Flax so sold as aforesaid.

Magistrates may cause Flax to be examined.

IV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, or Chief Magistrate of any Town in *Ireland*, before whom any Complaint shall be made in respect to Flax for not being of equal Cleanness and Fineness throughout, or on account of any Fraud having been practised in the Sale thereof, in all Cases where it shall seem to him or them to be expedient or necessary, and such Justice or Justices or Magistrate is and are hereby required, to summon before him or them Three Persons skilled in Flax, and to swear such Persons well and truly to examine the Flax which shall be the Subject of Complaint, and a true Verdict to give, whether such Flax be of equal Cleanness and Quality throughout, or whether it has been fraudulently made up, or whether there has been any Fraud or false Representation in the Sale thereof, or whether there has been any Fraud or Neglect in the cleaning or preparing of such Flax for Sale, and their Opinion thereupon shall be final and conclusive: Provided always, that nothing in this Act contained shall extend or be construed to extend to, nor shall affect, the Manufacture and Sale of Flax, unless the same be sold in open Fair or Market, or unless in Cases of Neglect in the Preparation of the same for Sale, or of Fraud or false Representation in respect to the Sale thereof.

Not to extend to Flax unless sold in open Market, or in case of Fraud.

V. And

V. And be it further enacted, That all brown or unbleached or unpurged Linen Yarn of *Irish* Manufacture, sold in open Fair or Market, shall be well and sufficiently spun and made up into Hanks, each Hank to consist of Twelve Cuts, and no more; and every such Cut shall contain One hundred and twenty Threads, and no more; and every such Hank shall be One Yard and One Quarter in Length, or Two Yards and One Half in Circumference, and no more; and each such Cut in every such Hank shall be separated as the same shall be reeled, and not afterwards; and in reeling such Linen Yarn, no more than One Thread at a Time shall be reeled; and all the Yarn contained in every such Hank shall be of Flax Yarn only, or Tow Yarn only, of the same Colour and Fineness throughout each Hank; and when the Hank or Twelve Cuts are reeled, the same shall be made up in such Manner as to admit of opening thereof at every Part, at Ten Inches at least, for the Purpose of spreading on the Bleach Green; and all Yarn of *Irish* Manufacture under the Size or Grist of Two Hanks in the Pound, commonly called Pound Yarn or Head Yarn, shall be reeled according to the above Regulations, and such coarser Description may be made up and sold in Half Hanks of Six Cuts, and no less; and in case any Person or Persons shall sell in open Fair or Market any Yarn which shall not be conformable to the above Regulations respectively affecting the same, or which shall be deficient in Quality, Length, or Count, the Person or Persons selling such Yarn, or the Owner or Owners thereof at the Time of Sale, shall forfeit a Sum after the Rate of not less than Two-pence nor more than Four-pence for every Hank of such Yarn so sold as aforesaid; and that in all Cases of Fraud or false Representation in the Sale of Linen Yarn, whether such Yarn shall have been sold in open Fair or Market, or otherwise sold, the Person or Persons selling such Yarn, or the Owner or Owners thereof, shall forfeit a Sum after the Rate of Four-pence for every Hank of such Yarn so sold as aforesaid: Provided always, that nothing herein-before contained shall extend or be construed to extend to Mill-spun Yarn, and that no Mill-spun Yarn shall be subject to the Regulations aforesaid.

Regulations as to reeling and counting Linen Yarn when sold in Fair or Market.

Penalty for selling Yarn not conformable hereto.

Penalty in case of Fraud.

VI. And be it further enacted, That it shall be lawful for any Justice or Justices, or the Chief Magistrate of any Town, before whom a Complaint shall be made in respect to Yarn not conformable to the Regulations contained in this Act, or on account of any Fraud having been practised in the Sale thereof, in all Cases where it shall seem to him or them to be expedient and necessary, and such Justice or Justices or Magistrate is and are hereby required, to summon before them Three Persons skilled in Yarn, and to swear such Persons well and truly to examine the Yarn which is the Subject of such Complaint, and a true Verdict to give, whether such Yarn is conformable to the Regulations herein-before contained, or whether it be deficient in Quality, Length, or Count, or whether it is Mill-spun Yarn, or whether there has been any Fraud or false Representation in the Sale thereof, and their Opinion thereupon shall be final and conclusive.

Magistrates may cause Yarn to be examined.

VII. And be it further enacted, That all Linen Yarn which shall be sold or bought in any Fair or Market shall be sold or bought within

Places and Hours of Sale of Linen Yarn.

within the Custom Gaps or Custom Gates of such Fair or Market; and no Linen Yarn sold or brought to Sale in any Fair or Market shall be sold before the Hour of Eight of the Clock in the Morning on the respective Fair or Market Days; and any Person who shall sell or offer or contract to sell, or shall buy or offer or contract to buy, in such Fair or Market, otherwise than as aforesaid, shall be subject and liable to a Penalty after the Rate of Two-pence on each Hank of Yarn so sold.

Disputes between Buyers and Sellers of Yarn how to be adjusted.

VIII. And whereas Disputes frequently arise in Fairs or Markets between the Buyers and Sellers of Linen Yarn, in respect of Yarn bought or sold or agreed to be bought or sold; be it enacted, That it shall and may be lawful for the Seller of any Yarn in any Fair or Market, in all Cases where the Buyer of such Yarn shall refuse to pay the Person selling the same the Price agreed upon between them, or for the Buyer of such Yarn, if the Seller shall, without just Cause, refuse to deliver such Yarn to the Person buying the same, on being tendered the Price agreed to be paid for the same, to complain immediately or within Twenty-four Hours after to the next Justice of the Peace, or to the Chief Magistrate of the Town where such Dispute shall have arisen; and such Justice or Chief Magistrate respectively are hereby required and authorized to summon forthwith the Parties to appear either before such Justice and other Justices of the Peace, or before any Two Justices of the Peace, or before such Chief Magistrate; and if it shall appear to such Two Justices of the Peace or Chief Magistrate, that the Buyer of such Linen Yarn shall, without just and reasonable Cause, refuse or have refused to pay to the Seller of such Yarn the Price first agreed upon between them, it shall and may be lawful for such Justices of the Peace or for such Chief Magistrate, by Warrant under Hand and Seal respectively, to order such Yarn to be returned to the Seller thereof, and by such Warrant to direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of the Buyer of such Yarn; and if it shall appear to such Justices of the Peace or to such Chief Magistrate, that the Seller of such Yarn shall, without reasonable Cause, refuse or have refused to deliver up the said Yarn to the Person or Persons to whom he had sold or agreed to sell the same, such Justices of the Peace or Chief Magistrate may, by Warrant under their Hand and Seal respectively, order such Yarn to be delivered up to the Person who had bought or agreed to buy the same, and may also, by such Warrant, direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of the Seller of such Yarn: Provided always, that nothing hereinbefore mentioned shall extend or be construed to extend to, nor shall affect, the Manufacture and Sale of Yarn, unless the same be sold or offered to Sale in open Fair or Market, or unless in Cases of Fraud or false Representation in the Sale thereof.

Not to extend to Yarn unless sold in open Market, or in Cases of Fraud.

Weaver to weave Two coarse Threads, and write his Name and

IX. And be it further enacted, That every Linen Weaver or Linen Manufacturer shall, across each End of every Piece of Linen Cloth woven by him or by his Journeymen or Apprentice, weave or cause to be woven Two coarse Threads or Cords, distant from each other about One Fourth Part of an Inch, and shall also write or cause to be

written with Pen and Ink, close to such coarse Threads or Cord on each End, in legible Characters, his Christian Name, Surname, and Place of Residence, and shall also write or mark in Figures, or cause to be written or marked, upon the outside Fold thereof, the Length and Breadth of every such Piece of Linen; and in case any Weaver shall neglect to weave such coarse Threads as aforesaid, or to cause the same to be woven, or to write or cause his Name to be written as aforesaid, or shall neglect to write or mark, or to cause to be written or marked, the Length and Breadth thereon, he shall forfeit a Sum not exceeding Five Shillings for every such Offence; and if the Length or Breadth written or marked on any such Piece of Linen shall be afterwards found by the Purchaser thereof to be less than what was written or marked thereon, upon the said Linen being measured, either by a public Sealmaster or by the Purchaser himself, the Seller or Owner of such Linen shall, upon Complaint and Proof of such Deficiency, forfeit a Sum not exceeding Twenty Shillings for every such Offence, according to the Judgment and Discretion of the Justices or Chief Magistrate before whom any such Complaint shall be made.

Residence on every Piece of Linen; and also mark the Length and Breadth.

Penalty for Neglect, &c.

X. And be it further enacted, That no Person shall sell, in open Fair or Market, any Piece of Brown Linen Cloth, being of or exceeding the Set of Twelve hundred, made or intended to be of the Denomination commonly called Yard-wide, that shall not be, when brown, and before the same shall be bleached, Thirty-seven Inches and a Half broad at least, and that all Cloth of the Denomination of Yard-wide, being under the Set of Twelve hundred, shall be, when brown, Thirty-six Inches broad at least; and that no Person shall sell, in any public Market, any Piece of plain Linen Cloth, being of the Denomination commonly called Seven Eighths wide, that shall not be, when brown, and before the same shall be bleached, Thirty-two Inches broad at least; and that no Person shall sell, in any public Market, any Piece of plain Linen Cloth, being of the Denomination commonly called Three Quarters wide, that shall not be, when brown, and before the same shall be bleached, Twenty-eight Inches broad at least; and that no Person shall sell, in any public Market, any Piece of plain Linen Cloth, of the Denomination of Nine Eighths wide Sheeting, that shall not be, when brown, and before the same shall be bleached, Forty-one Inches broad at least; and that no Person shall sell, in any public Market, any Piece of plain Linen Cloth, of the Denomination of Five Quarters wide Sheeting, that shall not be, when brown, and before the same shall be bleached, Forty-five Inches broad at least; and that no Person shall sell, in any public Market, any Piece of plain Linen Cloth, of the Denomination of Six Quarters wide Sheeting, that shall not be, when brown, and before the same shall be bleached, Fifty-four Inches broad at least; and that if any Person shall sell, in any Fair or Market, any Linen Cloth or Sheetings, of the Denominations above mentioned, which shall not be respectively of the Widths above directed and specified, every such Person shall be subject to a Penalty of not less than Five Shillings nor more than Ten Shillings for each such Piece so sold.

Widths of Linen Cloth:

Yard-wide.

7-8ths wide.

3-4ths wide.

9-8ths wide.

5 Qrs. wide.

6 Qrs. wide.

Penalty.

How Linen Cloth shall be exposed to Sale in Fair or Market.

XI. And be it further enacted, That every Piece of brown or unbleached Linen Cloth which shall be exposed to Sale in open Fair or Market shall be so exposed in open Folds, and no ways tied at either End or in the Middle; and that every such Piece, excepting such as are generally known by the Name of Osnaburghs or Dowlasses, shall be also crisped; and that every Single Piece of such Linen Cloth, not containing more than Twenty-five Yards in Length, shall be in Folds not exceeding Twenty-seven Inches in Length in each Fold; and that every Double Piece of such Linen Cloth, not containing more than Fifty Yards in Length, shall be in Folds not exceeding Thirty-six Inches in Length in each Fold; and that every Double Piece of such Linen Cloth, containing more than Fifty Yards in Length, shall be in Folds not exceeding Forty Inches in each Fold; upon pain that any Person exposing to Sale any such Linen Cloth contrary to the Directions aforesaid shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Piece so exposed to Sale as aforesaid.

Linen to be of equal Fineness throughout.

XII. And be it further enacted, That no Person shall, in open Fair or Market, sell any Piece of brown or unbleached plain Linen Cloth which shall be thicker or finer in the Salvage than in the Body of such Piece, or which shall not be of equal Fineness and Thickness throughout every Part of the Length and Breadth of such Piece, under Penalty of Forfeiture of Double the Sum actually paid for such Piece of Linen so sold as aforesaid.

Linen not to be pasted or spouted.

Penalty.

XIII. And be it further enacted, That no Person shall knowingly sell, in open Fair or Market, any Piece of brown or unbleached Linen, any Part whereof shall have been pasted or spouted, so as to make it look thick, or any Brown Linen dyed or stained, either in the Yarn or Cloth, with any Material which has a Tendency to render the Part so stained or dyed difficult to bleach, upon pain of forfeiting not less than Five Shillings nor more than Ten Shillings for every such Piece so sold as aforesaid.

Upon Complaint that Linen is not made conformable to Regulations, Justices may cause Inquiry to be made.

XIV. And be it further enacted, That it shall be lawful for any Justice or Justices, or Chief Magistrate of a Town, before whom any Complaint shall be made in respect to Linen not conformable to the Regulations contained in this Act, and such Justice or Justices or Magistrate is and are hereby authorized and empowered, in all Cases where it shall seem to them to be expedient and necessary, to summon before him or them Three Persons skilled in the weaving and dressing of Linen, and to swear them well and truly to examine any and every Piece of Linen which is the Subject of Complaint, and a true Verdict to give, whether the same or any of them is thicker or finer in the Salvage than in the Body of such Piece of Linen, and whether it be of equal Fineness and Thickness throughout every Part of such Piece, or whether it be pasted or spouted in manner before described, and their Opinion thereupon shall be final and conclusive.

Place and Time of Sale of Linen.

XV. And be it further enacted, That all Brown Linen which shall be sold or bought in open Fair or Market shall be sold or bought

within the Custom Gap or Custom Gates of such Fair or Market; and that no Brown Linen sold or brought to Sale in any Fair or Market shall be sold before Ten of the Clock in the Morning on the respective Fair or Market Days; and if any Person shall sell or offer or contract to sell, or shall buy or offer or contract to buy, in such Fair or Market, otherwise than as aforesaid, every such Seller and Buyer shall be liable to a Penalty of Five Shillings on each Piece of Brown Linen so sold as aforesaid.

Disputes between Buyer and Seller of Linen in Fairs, how to be adjusted.

XVI. And whereas Disputes frequently arise in Fairs or Markets between the Buyer and Seller of Linen Cloth, in respect of Cloth bought or sold, or agreed to be bought or sold; for Remedy whereof, be it enacted, That if the Buyer of any such Cloth shall, without just Cause, refuse to pay to the Person selling the same the Price agreed upon between them, or if the Seller shall, without just Cause, refuse to deliver such Cloth to the Person buying the same, on being tendered the Price agreed upon to be paid for the same, it shall be lawful for the Buyer or Seller of such Cloth respectively to complain immediately, or at any Time within Twenty-four Hours, to the next Justice of the Peace, or to the Chief Magistrate of any Town where such Dispute shall have arisen; and every such Justice of the Peace or Magistrate is hereby required and authorized forthwith to summon the Parties to appear either before such Justice and any other Justice of the Peace, or before any Two Justices of the Peace, or before such Chief Magistrate; and if it shall appear to such Two Justices of the Peace or Chief Magistrate, that the Buyer of such Linen Cloth shall, without just and reasonable Cause, refuse or have refused to pay the Seller of such Cloth the Price first agreed upon between such Buyer and Seller at such Fair or Market, such Justice of the Peace or Magistrate may, by Warrant under Hand and Seal respectively, order such Cloth to be returned to the Seller thereof, and may, by such Warrant, direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of such Buyer of such Cloth; and if it shall appear to such Justices of the Peace or to such Chief Magistrate, that the Seller of such Cloth shall, without reasonable Cause, refuse or have refused to deliver up such Cloth to the Person or Persons to whom he had sold or agreed to sell the same, such Justice of the Peace or Chief Magistrate may, by Warrant under Hand and Seal, order such Cloth to be delivered up to the Person who had bought or agreed to buy the same, and may also, by such Warrant, direct any Penalty, not exceeding the Sum of Ten Shillings, to be levied off the Goods and Chattels of the Seller of such Cloth.

Penalty.

Brown Linens not to be subject to Regulations, except sold in open Market.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to, nor shall affect, Brown Linens not sold in open Fair or Market, it being the true Intent and Meaning of this Act that all Persons may manufacture and make up Brown Linens in any Manner they may think proper, and sell the same, without being subject to any of the aforesaid Regulations, unless they sell the same in open Fair or Market.

XVIII. And

Sealmasters of Brown Linens formerly appointed to be continued.

XVIII. And whereas it is expedient and necessary that fit and proper Persons should be provided to examine, measure, and stamp all brown or unbleached Linens sold in public Market, in all Cases where the Buyers of any such Linens shall require the said Linens to be examined, measured, and stamped by any such Persons, before they pay for the same; and to the end that no Inconvenience should be felt from the Want of any such Persons upon and immediately after the Commencement of this Act, be it enacted, That all Persons who at any Time before the Commencement of this Act have been appointed Sealmasters of Brown Linen by the Trustees of the Linen and Hempen Manufacturers, and who shall be acting in that Capacity at the Time of the Commencement of this Act, shall continue to act therein until the Appointment or Appointments of every such Sealmaster respectively shall be afterwards confirmed or revoked in manner directed by this Act.

Lord Lieutenant to appoint a Committee in each County for regulating Sealmasters.

XIX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint, in any and every County in which the Linen Manufacture or any Branch thereof is or shall be carried on, Twelve such Persons residing in such County, or buying or selling Linens therein, as shall appear to be fit and proper Persons to be a Committee for appointing, directing, and controlling the Brown Linen Sealmasters of such County, conformably to the Regulations, Provisions, and Directions prescribed by this Act, of which Nomination and Appointment public Notice shall be given in the *Dublin Gazette*, and in some Paper published in every such County respectively; and in case of the Death or Resignation of any Person appointed to be a Member of such Committee, and in case of any Removal made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being of any Person from the Situation of Member of the said Committee, which Removal the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being is and are hereby empowered to make, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint such other Person or Persons as he or they shall think fit, to be a Member or Members of such Committee, in the Room and Stead of the Person or Persons who shall have died or resigned, or who shall have been so removed; and Notice of every such Nomination or Appointment shall be given in the *Dublin Gazette*, and in any Newspaper of the County to which such Nomination shall relate.

Committee to require Sealmasters to give in their Name and Place of Abode, as also those of their Sureties.

XX. And be it further enacted, That the Committee appointed in any and every County for the Purposes before stated shall and may from Time to Time, and as often as they shall think fit, meet and assemble together in some convenient Place in such County, to settle and adjust such Matters as shall relate to the Objects of their Appointment; and it shall and may be lawful for such Committee, or any Five or more of them, so soon as they shall deem it necessary, to require every Person acting as a Sealmaster of Brown Linen in or for any Linen Market in such County, to return to such Committee, within

within a given Time, his Name and Place of Abode, and the Names and Residences of his Sureties; and it shall and may be lawful for the said Committee, or any Five or more of them, to dismiss any Sealmaster who shall refuse or neglect to make such Return within the Time required.

Committee may remove Sealmasters and appoint others.

XXI. And be it further enacted, That every such Committee, having formed a List of all Persons acting as Sealmasters in the County for which such Committee shall be appointed, shall then proceed to revise the said List; and it shall and may be lawful for every such Committee, or any Five or more of them, upon such Revision, to dismiss any Person from the Situation of Sealmaster, whom they shall consider to be unfit for such Situation, and to appoint another in place of the Person so dismissed, and so from Time to Time to dismiss and appoint every such Person as such Committee, or any Five or more of them, shall deem it right to dismiss from or appoint to the Office and Situation of a Sealmaster of Brown Linen, limiting or extending the Number of such Sealmasters according as it shall seem to such Committee to be expedient and necessary; and it shall and may be lawful for every such Committee, or any Five or more of them, to confine the Duties and Authorities of every Sealmaster to such particular Linen Market or Markets in their respective Counties as they shall think proper, and to dismiss any Sealmaster who shall refuse or neglect to obey any such Rules, Regulations, and Directions as such Committee shall lay down for the Government of such Sealmaster; provided that nothing contained in the said Rules, Regulations, and Directions, shall be contrary to any of the Provisions of this Act; and it shall be lawful for every such Committee, or any Five or more of them, so soon as they shall deem it expedient, to give public Notice to all Persons acting as Brown Linen Sealmasters in their County, under and by virtue of any Appointment formerly made by the Trustees of the Linen and Hempen Manufacturers, that from and after a Day to be named in such Notice no Person shall be permitted to act in their County in that Capacity, who shall not have previously thereto entered into a Security to such Committee, or to some Individual to be named by such Committee; and such Security shall stand in place and stead of any Security formerly given or required to be given to the Secretary of the Trustees for encouraging the Linen Manufacture, and shall be for such Sum as such Committee shall think proper; in which said Security Two Sureties, to be approved of by such Committee, shall join and be bound, jointly and severally, for such Sum in the Whole as such Committee shall in every Case think fit to require; and the Condition of every such Security shall be, that such Person so appointed Sealmaster shall duly and diligently execute his Office, and shall not seal, stamp, or lap, nor suffer his Seal or Stamp to be put upon any Linen which is not sound, merchantable, and free from Mildew, Rottenness, or any Fraud or Damage, except such Holes, not exceeding Three in each Piece, as shall be exposed to View, and marked on the Outside thereof; and that such Sealmaster, his Executors or Administrators, shall duly and without Delay pay all such Fines as shall be imposed on him from Time to Time by any such Committee, or any Five or more of them; and that in case of the Death

Security to be given by Sealmasters for the due Execution of their Office.

of any of his Sureties, such Sealmaster will, within One Month after such Death shall have come to his Knowledge, procure another sufficient Person to enter into a like Security; and that such Sealmaster, his Executors or Administrators, will surrender and give up his Seal or Stamp when thereunto required by such Committee, or any Five or more of them; and that he will not at any Time lend, hire out, or sell his Stamp or Seal, or suffer the same to be used by any Person but himself, or his known Servant or Assistant, at his usual Place of Residence.

Lord Lieutenant may direct the Committee to report the Grounds upon which they have dismissed any Sealmaster; and cause such Report to be inquired into; and confirm or revoke such Dismissal.

XXII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in his or their Discretion, to order and direct that such Committee as aforesaid shall, within a Time to be specified, make a Report of the Grounds upon which any Dismissal of any Sealmaster may have taken place by or under the Orders of such Committee, and which Report such Committee are hereby required to make accordingly, within such Time as shall be specified for that Purpose; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to direct that the Matter of such Report shall be inquired into by any Person or Persons to be named and appointed for that Purpose by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and according to the Result of such Inquiry, or in case no Report shall be made by such Committee within the Time so specified, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* either to confirm such Dismissal, or to revoke the same, and to direct that the Person so dismissed shall be restored to his Situation of Sealmaster.

Committee to prescribe the Forms of Seals or Stamps to be used by Sealmasters. Forging Seals.

XXIII. And be it further enacted, That it shall and may be lawful for every such Committee, or any Five or more of them, to choose and prescribe the Form and Device of the Seal or Stamp to be used by the Sealmasters of their respective County, and to alter the same as often as such Committee shall think fit; and if any Person shall forge or counterfeit any Seal or Stamp of any Sealmaster appointed or to be appointed by such Committee, or any Five or more of them, to any Piece or Part of a Piece of Brown Linen, such Person, being thereof lawfully convicted, shall be imprisoned, with or without hard Labour, for any Period not exceeding One Year, at the Discretion of the Judge or Judges who shall try such Offence.

Residence of Sealmasters.

XXIV. And be it further enacted, That every Sealmaster of Brown Linen, except such as are or shall be appointed to particular Markets, shall reside within the Parish mentioned on his Seal; and that One of the Persons who shall enter into Security for him as aforesaid shall be resident within the same Parish, or in or within One Mile of the next Market Town thereto within the same County; and that a Sealmaster appointed for any particular Market shall be at liberty to use his Seal or Stamp in respect to all Linens prepared for Sale in such Market, without reference to his Place of Residence.

XXV. And

XXV. And be it further enacted, That every Sealmaster of brown or unbleached Linen appointed as aforesaid shall carefully view, examine, and measure every Piece of such Linen which shall be produced and offered to him to be sealed; and if the same shall appear to him to be merchantable, and to be in every respect conformable to the Directions aforesaid, then, and not otherwise, such Sealmaster shall affix or cause to be affixed a fair Impression of such Seal as shall be appointed for him by the said Committee, with Lamp Black or Vermillion or Stone Blue and Size or Common Oil, on the Middle of such Fold, at no more than Thirteen Inches from the End of such Piece; and shall likewise mark or caused to be marked, with such Ingredients as aforesaid, on the Back or Outside of every such Piece, the Length of such Piece, and the Number of Inches it contains in Breadth, and also the Half Inch, if the same shall be in Breadth Half an Inch more than any Number of Inches, without regard to any lesser Fractions of an Inch, together with the Name of such Sealmaster, and the Parish and County where he resides, or the Name of the Market Town for which he may be appointed to act; and if any Parts of such Piece shall be damaged or faulty, but not so damaged or faulty as to render the same unmerchantable, every such damaged or faulty Part shall be fairly exposed in the Lap or Bosom of such Piece, so as that the same may be easily seen; and opposite to such damaged or faulty Part, upon the Bosom of every such Piece, such Sealmaster shall affix or cause to be affixed an Impression of his Seal, with such Ingredients as aforesaid, to denote such damaged or faulty Part; and such Sealmaster shall and may demand and take the Sum of One Penny, and no more, for every Piece of brown or unbleached Linen containing Twenty-five Yards or under, which shall be by him sealed as aforesaid, and so in proportion for a greater Quantity; and if any such Sealmaster shall offend, by neglecting or transgressing any one of the Regulations aforesaid, every such Sealmaster shall forfeit a Sum not less than Five Shillings nor exceeding Twenty Shillings for every such Offence.

Duties of Sealmasters.

Their Fees, 1*d.* for every 25 Yards.

Penalty for Neglect.

XXVI. And be it further enacted, That no Person shall, in open Fair or Market in *Ireland*, sell or expose to Sale, buy or agree to buy, any Pieces of brown or unbleached Linen which shall not at the Time of selling or exposing the same to Sale be sealed and marked as required by this Act, upon pain of forfeiting the Sum of Five Shillings for every Piece of Linen so sold or exposed to Sale.

No Person to sell or buy any unbleached Linen not sealed.

XXVII. And be it further enacted, That all Brown Linen shall be measured between Seal and Seal, and bad and insufficient Ends shall not be taken into the Length thereof; and such Linen shall be bought and sold by no other Measure than the Statute Yard, containing Thirty-six Inches, and no extraordinary Measure or Allowance, except the Breadth of a Thumb, as is now generally practised to every Yard in the measuring thereof, shall be made therein by the Seller to the Buyer, or required or accepted of or taken by the Buyer from the Seller, upon pain that every Person buying or selling any such Linen, contrary to the true Intent and Meaning of this Act, shall

Sealmasters to measure between Buyer and Seller.

shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Offence.

Buyers may recover from Sealmasters for Damage or Deficiency in Linen.

XXVIII. And be it further enacted, That if any Person shall sustain any Loss or Damage in the buying any Piece of brown or unbleached Linen, by any damaged Part being concealed in the Folds thereof, or by its not answering the Measure as to the Length or Breadth marked thereon by any Sealmaster, it shall and may be lawful to and for such Person to sue for and recover from the Sealmaster of such Piece, or the Person who shall at the Time of such sealing be bound as Security for his faithful Discharge of the Office of Sealmaster, the full Value of the Loss or Damage so sustained.

Penalty on Embezzlement.

XXIX. And be it further enacted, That if any Weaver or other Person entrusted with any Linen or Linen Yarn, or Hempen Cloth or Hempen Yarn, or Cotton or Cotton Yarn, or with any Materials or working Tools for manufacturing the same, shall fraudulently sell or embezzle or pawn the same, or any Part thereof, every such Offender, and the Receivers of any such Article knowing the same to have been so fraudulently embezzled, shall forfeit Four Times the Value of the same.

Weavers to fulfil their Agreements.

XXX. And be it further enacted, That every Weaver shall well and sufficiently weave all sound and sufficient Linen and Hempen Yarn to him delivered to be woven, within such Time, and in such Reeds, and into Cloth of such Breadths, as shall be agreed upon between the Owner or Owners of such Yarn and such Weaver, upon pain of forfeiting the full Value of such Yarn, or the full Price agreed upon for weaving the same.

Justices may administer Oaths and take Affidavits.

Affirmation of a Quaker.

Perjury.

XXXI. And be it further enacted, That it shall and may be lawful to and for every Justice of the Peace and Chief Magistrate to administer any Oath to, and to take any Affidavit required by Law from, any Person whomsoever, touching or concerning any Matter or Thing in anywise relating to or concerning the Linen Manufacture, or any Branch thereof; and wherever any such Oath is required by Law to be taken, the solemn Affirmation of any Person being a Quaker shall be sufficient in the place of such Oath or Affidavit; and every Person who shall knowingly swear or affirm any thing false in any such Oath or Affirmation shall, upon Conviction, suffer such Punishment as Persons convicted of wilful and corrupt Perjury are by the Laws in force in *Ireland* subject to.

Complaints where Penalty does not exceed 10*l.* may be heard before Two Justices, or Chief Magistrate of a Town.

XXXII. And be it further enacted, That all Complaints which shall be made of any Offence or Offences committed against any of the Regulations or Directions contained in this Act, the Penalty or Forfeiture in respect whereof shall not exceed in Value the Sum of Ten Pounds, shall and may be heard and finally determined before Two or more Justices of the Peace, whether acting at Petty Sessions or otherwise, within their Jurisdictions, or before the Chief Magistrate of any Town presiding in his Court in such Town; and it shall be lawful for any One Justice to summon any Party complained of, and any

Witness, to appear before such Justice and any other Justice, or before any Two Justices, and for such Chief Magistrate to summon any such Party complained of, and any Witness, to appear before such Magistrate in his Court; and such Justices or Chief Magistrate may determine any such Complaints on the Oath of any Witness or Witnesses, and which Oath such Justices or Chief Magistrate are and is hereby authorized and empowered to administer; and all such Penalties and Sums of Money shall and may be awarded by such Two Justices or Chief Magistrate as are directed to be awarded by this Act in respect of or for the Punishment of the several Offences; and in default of the Payment of any such Penalty or Sum of Money as shall be so awarded by any such Justices or Chief Magistrate upon the Hearing of any such Complaint, it shall and may be lawful for such Justices or Chief Magistrate to issue their or his Warrant to any Constable for the Distress and Sale of the Goods and Chattels of any Person liable to the Payment of any such Penalty or Sum of Money; and in case no sufficient Distress shall be found, then to commit any such Person to Gaol or to the House of Correction, for any Period not exceeding One Calendar Month, unless such Penalty or Sum of Money shall be sooner paid.

Application of Penalties.

XXXIII. And be it further enacted, That any Sum of Money which shall be awarded and levied by any such Justices or Chief Magistrate as aforesaid, acting in pursuance of the Provisions and under the Authorities of this Act, shall and may be directed by such Justices or Chief Magistrate to be applied in manner following; that is to say, in every Case where the Person preferring the Complaint shall appear to have suffered any Damage, Costs, Loss of Time, or other Injury, in the Matter being the Subject of Complaint, any such Sum of Money shall and may be paid to such Person; or if no Damages, Costs, Loss of Time, or other Injury shall appear to have been sustained by such Person, then such Sum of Money shall be paid to the Committee appointed in manner herein-before directed, in the County in which the Complaint originated, to be applied by such Committee towards forming a Fund for defraying any Expences in executing the Duties assigned to them by this Act; or it shall and may be lawful for such Justices or Chief Magistrate to direct any Portion of any such Sum so levied to be paid to the Party aggrieved, and the remaining Portion of such Sum to be paid to such Committee.

Penalties exceeding 10*l.* recoverable by Action.

XXXIV. And be it further enacted, That all Penalties or Forfeitures incurred under any Clause or Article in this Act, exceeding in Value Ten Pounds, shall and may be sued for and recovered by any Person who will sue for the same by Suit or Action at Law, or by Bill, Plaint, or Information, in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, wherein no Essoign, Protection, nor Wager of Law, nor more than One Imparlance, shall be allowed; and that in all such Actions, Suits, or Prosecutions which shall be brought or prosecuted for Recovery of such Forfeitures or Penalties, shall be laid in the County, or in the County of the City, or the County of the Town, wherein such Forfeitures or Penalties were incurred, and in none other.

Venue to be laid in the County.

Defendant may plead General Issue.

XXXV. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person for doing or causing to be done any Act, Matter, or Thing in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence; and if upon such Action, or in such Suit, Judgment shall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs therein shall become nonsuit, or discontinue his, her, or their Action or Suit, the Defendant or Defendants therein shall have Double Costs.

Linen and Yarn Halls and Houses, &c. vested in the Lord Lieutenant.

XXXVI. And whereas the Linen and Yarn Halls in the City of *Dublin*, and the Houses, Offices, and Grounds adjoining thereto, and the other Estates and Property, whether Real or Personal, vested by former Acts of Parliament in the Trustees of the Linen and Hempen Manufactures of *Ireland*, were, by the herein-before recited and repealed Act of the Sixth Year of the Reign of His present Majesty, continued to be vested in the said Trustees and their Successors; and it is expedient and necessary to divest the said Trustees of their Title to the said Buildings, Houses, Grounds, and other Properties, and to vest the same in the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Purposes herein-after mentioned; be it therefore enacted, That the said Linen and Yarn Halls in the City of *Dublin*, and the Houses, Offices, and Grounds adjoining thereto, and all other Estates and Property whatsoever, whether Real or Personal, vested in the said Trustees and their Successors under and by virtue of the said recited Act hereby repealed, shall, from and after the Commencement of this Act, be and the same are hereby vested in the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with Power to such Lord Lieutenant or other Chief Governor or Governors to demand, take, and receive, or cause to be demanded, taken, and received, such Rent or Rents for the same as he or they shall think fit and direct from the Factors or others engaged in the Linen, Yarn, or Cotton Trades of *Ireland*, who shall be allowed to occupy the said Linen and Yarn Halls, or Houses or Grounds thereto adjoining: Provided always, that nothing in this Act contained shall extend or be construed to extend to, or in anywise to affect, any of the Leases hitherto granted by the said Trustees of any Part or Parts of the said Halls or Buildings to any Factors or other Persons, so far as any of the said Leases are or shall be subsisting; and if any Part or Parts of the said Linen or Yarn Halls, or any of the Houses or Grounds adjoining thereto, not comprised in any subsisting Leases, shall be thought unnecessary for the Purposes of the Linen, Yarn, or Cotton Trades of *Ireland*, by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, and he and they is and are hereby authorized and empowered, to appropriate such Part or Parts thereof to any other public Purposes to which it may seem expedient to apply the same, demanding, taking, and receiving such Rents, for the Use and Occupation thereof, as such Lord Lieutenant or other Chief Governor or Governors shall appoint; and all such Rents shall be applied in like Manner as the Rents now payable under the Leases subsisting at present, towards maintaining the said Buildings in repair and good

Nothing herein to affect subsisting Leases.

Condition; and if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall at any Time see fit and proper Reason for selling and finally disposing of any Part or Parts of such Linen or Yarn Halls, or any of the Houses or Grounds thereto adjoining, not comprised in any subsisting Lease, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* to sell and finally dispose of the same.

Lord Lieutenant may appoint a Committee for the Management of the Linen Halls, &c.

XXXVII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint any Number of Persons (being Factors in the said Linen and Yarn Halls, or other Persons,) to act as a Committee in and for the Care and Management of the said Linen and Yarn Halls and Houses, and Grounds and Estates, and from Time to Time to revoke the Appointment of all or any such Persons, and to appoint others in their room, or not; and it shall be lawful for such Committee to exercise such Powers, and to perform such Duties, as such Lord Lieutenant or other Chief Governor or Governors shall direct and authorize, in respect to the Letting or Sale of such Linen and Yarn Halls and Houses, and Grounds and Estates, or any of them, and to the accounting for the Rents and Produce of such Letting and Sale, and to the applying any Part of such Produce in the repairing and maintaining any of the Houses or Buildings not sold under this Act; and all Monies which shall arise or be received from every Letting or Sale under this Act, and which shall not be applied in maintaining and repairing any of the said Houses or Buildings not so sold, shall, under the Orders and Directions of such Lord Lieutenant or other Chief Governor or Governors, be carried to and made Part of the Consolidated Fund of the United Kingdom arising in *Ireland*.

Their Powers

Term of Act.

XXXVIII. And be it further enacted, That this Act, so far as the same imposes any Rule, Regulation, Restraint, Restriction, Fine, Penalty, Forfeiture, or other Punishment, in respect of the manufacturing, dressing, making, or Sale of Flax or of Linen Yarn, or to the weaving, dressing, measuring, stamping, buying, or selling of Linen Cloth, or to the different Breadths prescribed for the several Sorts of Linen Cloth, shall remain and continue in force for Three Years from the Commencement of this Act, and from the Expiration of such Three Years until the End of the next Session of Parliament.

Commencement of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect on and from the Fifth Day of *September* One thousand eight hundred and twenty-eight.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXIII.

An Act to amend Two Acts of the Third and Fifth Years of His present Majesty, for the Appointment of Constables in *Ireland*.

[15th *July* 1828.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates, in* Ireland, *in certain Cases*, which said Act was amended and extended to the County of *Dublin* by another Act passed in the Fifth Year of the same Reign: And whereas the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being is and are by the said Acts authorized and empowered, by Warrant under his or their Hand, to appoint One Chief Constable for each and every or any Barony or Half Barony, or other Division of a Barony, or for any Two or more Baronies lying together and being in the same County in *Ireland*, and also, by Proclamation to be inserted in the *Dublin Gazette*, to require the Magistrates in the Commission of the Peace for any County in *Ireland* to nominate, in the Manner in the said Acts respectively prescribed, such Number of Constables and Sub-Constables in and for such County as shall be specified in such Proclamation, not exceeding in the whole, in any County, a Number after the Rate of Sixteen for each Barony or Half Barony, or other Division of a Barony, within such County, to be stationed in and through

3 G. 4. c. 103.

5 G. 4. c. 28. s. 1.

through the several Baronies and Half Baronies in such Counties; and it is, amongst other Things, enacted by the said Act of the Third Year of His Majesty's Reign, that the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being may order and direct that any Person, having been appointed a Constable under the said Act for any County, shall go into and be a Constable in and for any Barony or Baronies or Half Barony, or other Division of a Barony, in such County; and that any such Constable, or any Number of the Constables or Sub-Constables, appointed under the said Act, for any County, or any Barony or Baronies, or Divisions of a Barony, at any Time or Times, shall go or repair to such Place or Places in any other County or Counties, or in any County of a City or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order; provided that not more than Two Third Parts of the existing Establishment of Constables for any One County, City, or Town shall be so removed or absent from such County, City, or Town at any one Time: And whereas it is expedient that such Power of Removal should be extended and enlarged, and that the said Acts should in other respects be amended; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time, when and as often as he or they shall think fit so to do, to order and direct that every or any Chief or other Constable, or that the whole or any Number of Chief or other Constables, or of Sub-Constables, appointed under the said recited Acts or either of them, for any County, or any Barony or Baronies, or Division of a Barony, in any County, in *Ireland*, at any Time or Times, shall go and repair to such Place or Places in any other County or Counties, or in any County of a City or County of a Town, or City and Liberties, or Barony or Baronies, or Division of a Barony, in *Ireland*, as shall be mentioned in such Order, and shall remain there for such Length of Time, or remove to or remain at any other Place or Places in the same or any other County, City, or Town, for such Time and Times, and shall return to his or their original County, City, or Town, at such Time and Times respectively as shall be mentioned or directed in or by such Order, or by any other Order or Orders which may from Time to Time be made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and that such Chief and other Constables and Sub-Constables, when so removed, shall have the same Rights, Powers, and Authorities, and be subject to the same Rules, Regulations, and Orders, and be in all respects in the same Situation in the County or other Districts to which they shall be so removed, as if they had been originally appointed in and for such County or District.

3 G. 4. c. 103. s. 13.

Lord Lieutenant may order the Removal of the Chief Constable, and of the whole of the Constables, from one County to another, &c.

II. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant under his or their Hand or Hands, from

Lord Lieutenant may order Chief Constable to

from Time to Time, as shall appear to him or them fitting, to order and direct that any Chief Constable already appointed or hereafter to be appointed shall be and act as a Chief Constable in and for such Part or District of, or in any County, County of a City, or County of a Town, as shall be mentioned and described in such Warrant, whether such Part or District shall or shall not consist of a Barony or Baronies or Half Barony, or other Division of a Barony; and in like Manner from Time to Time to enlarge, diminish, or alter such Districts, in any way which to him or them shall appear to be expedient; and that such Chief Constables shall, in such their respective Districts for the Time being, have, use, and exercise such and the like Powers, Duties, Rights, and Authorities, and shall be subject to the same and the like Rules, Regulations, Directions, and Liabilities, in all respects, as such Chief Constables now have, use, exercise, or are subject to, or would have used, exercised, or been subject to, with respect to any Barony or Baronies or Half Barony, or Division of a Barony, under the said Acts or either of them.

Chief Constables may act for any Part or District of a County.

III. And whereas Inconvenience has frequently been experienced in consequence of the sudden Resignation of Constables under Circumstances in which their Services have been particularly required; be it enacted, That from and after the passing of this Act no Constable or Sub-Constable, who shall have been or shall be appointed under the said recited Acts or either of them, or this Act, shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly authorized so to do, in Writing, by the Chief Constable for the Time being, or unless he shall have given to such Chief Constable One Month's Notice at least of his Intention of so resigning or withdrawing himself; and if any Constable or Sub-Constable shall so resign or withdraw himself, without such previous Permission, or without such Notice as aforesaid, he shall for such Offence forfeit and pay the Sum of Five Pounds, upon Conviction before a Justice of the Peace; and it shall and may be lawful for such Justice, in case such Penalty shall not be paid, to commit such Person to the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months; and all Penalties so to be levied shall be paid to the Paymaster of the County, for the Use of the Establishment.

Constables shall not resign without Leave of Chief Constable, or One Month's Notice of Resignation.

IV. And be it further enacted, That at each Spring and Summer Assize after the passing of this Act, there shall be laid before the Grand Jury of each County, City, or Town, an Account, signed by the Chief Secretary of the Lord Lieutenant, or the Under Secretary, stating respectively the Number of Chief and other Constables serving in such County, City, or Town, and the Sums respectively paid since the preceding Assize for the Salaries and Expences of such Constables, and for the providing or repairing the Arms, the Clothing, and the Accoutrements of the same.

Accounts of the Number of Constables and of their Salaries to be laid before Grand Juries.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXIV.

An Act to extend the Jurisdiction of the Commissioners acting in the Execution of Two Acts for paving and regulating the *Regent's Park*, together with the new Street from thence to *Pall Mall*; and to amend the said Acts. [15th *July* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for more effectually paving, lighting, watching, cleansing, and regulating the* Regent's Park, *together with the new Street from the* Regent's Park *to* Pall Mall, *and the new Streets and Improvements in the Neighbourhood of* Parliament Street *and* Privy Gardens, *and for maintaining a convenient Sewage for the same*; and by the said Act Commissioners were appointed for paving, lighting, watching, cleansing, and otherwise regulating and improving the several Streets, Squares, Circuses, Gardens, Ways, Passages, Courts, and Places made and laid out, and thereafter to be made and laid out, within the Limits mentioned and described in the said Act, and for other Purposes of the said Act: And whereas another Act was passed in the Sixth Year of the Reign of His said Majesty, intituled *An Act for extending the Jurisdiction of the Commissioners acting in execution of an Act of the Fifth Year of His present Majesty, for paving and regulating the* Regent's Park, *together with the new Street from thence to* Pall Mall, *and for other Purposes relating thereto*; and by the said Act certain

5 G. 4. c. 100.

6 G. 4. c. 38.

Parts of *New Palace Yard*, *Margaret Street*, and *Old Palace Yard* were, as to the paving, lighting, and cleansing thereof, placed under the Charge and Management of the Commissioners acting in execution of the said firstly-recited Act: And whereas the Commissioners of His Majesty's Woods, Forests, and Land Revenues have made and laid out certain Streets, Squares, Terraces, and Improvements upon Land and Ground belonging to His Majesty, lately the Scite of *Carlton Palace*, and of the Gardens thereof, and Houses and Buildings have been erected upon such Land and Ground, and many more are in progress; and the said Commissioners intend to make and lay out certain Gardens, Shrubberies, and ornamental Inclosures for the Use of the Inhabitants of the said Streets, Squares, and Terraces; and have also constructed a new Common Sewer, with Drains and Watercourses communicating with such Common Sewer, for the more effectual Drainage of the said several Streets, Squares, Terraces, Gardens, and Improvements, which said Common Sewer drains into and communicates with the Great Sewer extending from the *Regent's Park* to the River *Thames*, by the said recited Act of the Fifth Year of the Reign of His present Majesty placed under the Jurisdiction of the Commissioners acting in execution of such Act: And whereas the said Commissioners of His Majesty's Woods, Forests, and Land Revenues have made and laid out, on certain other Ground belonging to His Majesty, situate on the East Side of *Princes Street*, in the City of *Westminster*, certain Mews or Stables, and Coach-houses and Buildings connected therewith, which said Mews or Stables are called or intended to be called "The *Westminster Mews*:" And whereas all the said several Streets, Squares, Terraces, and Improvements, Gardens, Shrubberies, and ornamental Inclosures, together with the said Mews or Stables and Buildings called the *Westminster Mews*, being made and set out on Land belonging to His Majesty, it is expedient that the same should, as to the paving, lighting, watching, watering, cleansing, and regulating, maintaining, supporting, and keeping in order thereof, be placed under the Charge and Management of the Commissioners acting in execution of the said recited Acts; and that the Powers and Authorities which by the said first-recited Act are vested in the said Commissioners, with respect to the Sewer and Drains thereby placed under their Jurisdiction, should be extended to the said new Sewer, and any Drains and Watercourses communicating therewith: And whereas *Parliament Street*, or the greater Part thereof, and *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, and the Passages and Places adjoining thereto, are, as to the paving, lighting, watering, and cleansing thereof, under the Charge and Management of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*; and it is expedient that the said Streets, Terrace, Passages, and Places should, as to such paving, lighting, watering, and cleansing, be placed under the Charge and Management of the said Commissioners acting in execution of the said recited Acts: And whereas the Carriageway of a certain Road called the *Albany Road*, leading from the North Side of the Turnpike Road called the *New Road* to a certain Bridge over the *Regent's Canal* called the Collateral Cut Bridge, is, as to the Maintenance, Repair,

and watching thereof, under the Charge and Management of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, appointed under an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis North of the River* Thames; which said Road (with other Roads round the *Regent's Park* aforesaid) is coloured Purple on the Map or Plan marked N° 1. referred to in the said first-recited Act, and under the Authority of the said Act of the Seventh Year aforesaid certain Tolls are demanded and taken for Horses or other Animals passing through a certain Gate or Bar erected across the said *Albany Road*: And whereas that Portion of the said *Albany Road* which extends from the North Side of the *New Road* to the Collateral Cut Bridge aforesaid being in the Nature of a Street, and not of a Turnpike Road, it is desirable that such Portion of the said Road should be placed under the Charge and Management of the Commissioners acting in execution of the said first and second-recited Acts, and that the said Commissioners of the Metropolis Turnpike Roads North of the *Thames* should be exonerated from such Charge and Management, and that the said Gate or Bar should be removed, and that the Authority to take Toll thereat should cease: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being, acting in execution of the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, shall be and they are hereby appointed Commissioners for paving, lighting, watching, cleansing, and otherwise regulating and improving the several Streets, Squares, Terraces, Gardens, Stables, and Places made or laid out, or hereafter to be made or laid out, within the Limits herein-before mentioned, and herein-after more particularly described, and for other the Purposes of this Act.

7 G. 4. c. cxlii.

Appointment of Commissioners.

II. And be it further enacted, That the said Streets called *Parliament Street* and *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, and the Passages and Places adjoining thereto, which are now, as to the paving, lighting, watering, and cleansing thereof, under the Charge and Management of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, shall, from and after the passing of this Act, be and remain, as to such paving, lighting, watering, and cleansing, under the Charge and Management of the said Commissioners for executing this Act, and also be and remain, to all Intents and Purposes, subject to and within the Jurisdiction, Power, and Authority of the said Commissioners, in the same Manner as if the said Streets and Places had been included in and delineated and set out on the Plan marked N° 3. mentioned and referred to in the said first-recited Act; any Act heretofore passed to the contrary in anywise notwithstanding.

Streets now under the Care of the Committee for paving the Parishes of St. Margaret and St. John placed under Commissioners for executing this Act.

III. And

So much of 7 G. 4. c. cxlii. as authorizes the setting up a Toll Gate on the Albany Road repealed.

Toll Gate may be removed.

III. And be it further enacted, That from and after the First Day of *January* next after the passing of this Act, so much of the said Act of the Seventh Year of the Reign of His present Majesty as authorized the setting up or Continuance of any Toll Gate or Side Gate, and the collecting, levying, and receiving of any Toll or Duty in that Part of the *Albany Road* which extends from the North Side of the New Road to the Western End of the Bridge over the *Regent's Canal* called the Collateral Cut Bridge, shall be and the same is hereby repealed; and the Commissioners acting in execution of the said last-mentioned Act are hereby authorized and required, within the Space of One Month from and after the said First Day of *January*, to pull down and remove, or cause to be pulled down and removed, the Toll Gate and its Appurtenances, and any Side Gate, set up or continued, under the Authority of the said Act, on or by the Side of such Part of the said *Albany Road* as aforesaid, and to sell and dispose of the Materials thereof, and apply the Proceeds for the several Purposes of the said Act; and the said Commissioners acting in execution of the said Act shall from and after the said First Day of *January* be exonerated and discharged from the future Care and Management of such Part of the said Road.

Part of the Albany Road shall be placed under the Charge of Commissioners for executing this Act.

IV. And be it further enacted, That such Part of the said Road called the *Albany Road* as is herein-before particularly described shall, from and after the said First Day of *January* next after the passing of this Act, be and remain, as to the Maintenance, Support, watching, cleansing, and Regulation thereof, under the Charge and Management of the said Commissioners for executing this Act, and also be and remain, to all Intents and Purposes, subject to and within the Jurisdiction, Power, and Authority of the said Commissioners, in the same Manner as if such Part of the said Road had been included among the Roads the Carriageways of which by the said first-recited Act the said Commissioners were authorized and empowered to maintain, support, watch, cleanse, and regulate.

Plans for distinguishing Streets placed under the Commissioners to be deposited in the Parliament Office and with Clerk of the Peace for Middlesex.

V. And whereas, for ascertaining the Jurisdiction of the said Commissioners, and defining the Streets, Squares, Terraces, Roads, Stables, Passages, and Places to be paved, maintained, repaired, lighted, watched, watered, cleansed, and regulated, and the Gardens and ornamental Inclosures to be maintained, supported, and kept in order under the Powers and Provisions of this Act, Three separate Maps or Plans have been made, for the Purpose of being deposited in the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, One of which Maps or Plans marked Number Five comprehends and describes the several Streets, Squares, Terraces, Passages, and Places, and the Gardens and ornamental Inclosures, now laid out, and the Ground on which others may be hereafter laid out, on the Scite of *Carlton Palace* and Gardens aforesaid, which, so far as the same are coloured Blue on the said Map or Plan, are to be paved, lighted, watered, cleansed, and regulated, maintained, supported, and kept in order, according to the Directions of this Act, and so far as the same are coloured Red on the said Map or Plan are to be under

under the Controul and Superintendence of the said Commissioners, as to the Manner of constructing and ornamenting, and as to the defacing, altering, or using the Houses and other Buildings erected on or at the Sides thereof; and another of the said Maps or Plans marked N° 6. contains and describes the said Mews or Stables called the *Westminster Mews*, the Interior of which is also to be paved, lighted, watched, cleansed, and regulated according to the Directions of this Act; and the Third Map or Plan marked N° 7. contains and describes *Parliament Street*, *Bridge Street*, and the Terrace or Foot Pavement of *New Palace Yard*, and the Passages and Places adjoining thereto, which, so far as the same are coloured Blue on the said Map or Plan, are also to be paved, lighted, watered, cleansed, and regulated according to the Directions of this Act, and so far as the same are coloured Red on the said Map or Plan are to be under the Controul and Superintendence of the said Commissioners, as to the Manner of constructing and ornamenting, and as to the defacing, altering, or using the Houses and other Buildings erected on or at the Sides thereof; and the Road called the *Albany Road* is delineated and described on the Map or Plan marked N° 1., referred to in the said first-recited Act, and is thereon (with other Roads round the *Regent's Park*) coloured Purple; and that Part of the said *Albany Road*, which extends from the *New Road* to the Western End of the Bridge over the *Regent's Canal* called the Collateral Cut Bridge, is the remaining Part of the Streets, Roads, and Places to be maintained repaired, watched, watered, cleansed, and regulated according to the Directions of this Act: Be it therefore enacted, That the said Maps or Plans marked N°s 5. 6. and 7., after the same shall have been severally authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited with and shall remain in the Custody of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and One Copy of each of the said Maps or Plans, signed by the Speaker of the House of Commons, shall be deposited in the Parliament Office, and One other Copy so signed shall be deposited with the Clerk of the Peace for the County of *Middlesex*, within Three Calendar Months after the passing of this Act, to the end that all Persons may at all seasonable Times have Liberty to inspect the same at their Will and Pleasure, paying the Sum of One Shilling for each Inspection, and to take Copies from the said Maps or Plans, or any of them, or from any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Maps or Plans, and the Copies thereof, so signed and authenticated as aforesaid, together with the said Map or Plan marked N° 1., referred to in the said first-recited Act of the Fifth Year of the Reign of His present Majesty, and the Copies of the said last-mentioned Map or Plan, so signed and authenticated as in the said recited Act is mentioned, shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners, and the Execution and Provisions of this Act.

Commissioners to pave, &c. the Streets formed on

VI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the Footways of the said several Streets,

the Scite of Carlton Palace.

Streets, Squares, Terraces, Passages, and Places, delineated and set out and coloured Blue on the said Map or Plan marked N° 5., or of such as shall hereafter be made and laid out on the Ground contained and described and coloured Blue therein, to be paved; and the Carriageways of the same Streets, Squares, Terraces, Passages, and Places, and also of that Part of *Pall Mall* which extends in Front from the Eastern to the Western Side of *Waterloo Place*, and also the Foot and Carriageways of any Street or Passage which may hereafter be made on the Scite of Two Houses respectively numbered 92 and 93 in *Pall Mall*, to be pitched or paved, or to be formed with broken Stone, Granite, Flint, Gravel, or other firm and sufficient Materials, upon such Levels and in such Manner as they shall judge necessary; and such Footways and Carriageways from Time to Time to be amended and kept in good Repair; and also to cause such Streets, Squares, Terraces, Passages, and Places to be lighted, watered, cleansed, and regulated, and the Sides thereof to be inclosed with Iron or other Rails in such Parts and Places and in such Manner as the said Commissioners shall think proper; and all Obstructions, Encroachments, Nuisances, and Annoyances therein to be removed; and Drains, Sinks, Gutters, or Watercourses to be made, for conveying the Water from the said Streets, Squares, Terraces, Passages, and Places, in such Manner as they shall think proper; and if any Person shall, without the Consent of the said Commissioners, alter the Form or break up the Ground or Pavement of the Carriage or Footway of any of such Streets, Squares, Terraces, Passages, and Places, every Person so offending shall forfeit any Sum not exceeding Ten Pounds for every such Offence, and shall also pay all the Expences of restoring such Ground or Pavement to its former State.

Power to lay out Gardens, &c.

VII. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, and they are hereby authorized and empowered, to inclose, lay out, and form Gardens, Shrubberies, and ornamental Inclosures, for the Use of the Inhabitants and Occupiers of the Houses and Buildings now erecting or hereafter to be erected on the Ground delineated and described in the said Plan marked N° 5.

Commissioners to inclose and keep Gardens, &c. in good Order.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the several Gardens, Shrubberies, and ornamental Inclosures delineated and set out on the said Map or Plan marked No. 5., or which shall hereafter be set out on the Ground therein contained and described, to be inclosed with Iron or other Railings, and from Time to Time to renew such Railings, and to paint and repair the same, and to cause the said Gardens, Shrubberies, and ornamental Inclosures to be maintained and kept in good Order and Condition, for the Use and Accommodation of the Inhabitants of the several Streets, Squares, Terraces, Passages, and Places to which the same Gardens, Shrubberies, and ornamental Inclosures shall be respectively attached, and for that Purpose to appoint and employ proper Persons as Gardeners and Workmen for maintaining and keeping the same in order; and all such Gardens,

Shrubberies, and ornamental Inclosures shall be used and enjoyed by the Inhabitants in the several Streets, Squares, Terraces, Passages, and Places to which the same shall be respectively attached, in such Manner, and according to such Rules, Orders, and Regulations, as the said Commissioners shall from Time to Time direct and establish.

Rates to be made for keeping the Gardens in Order.

IX. And be it further enacted, That Rates or Assessments shall, for the Purpose of supporting, maintaining, and keeping in order the said Gardens, Shrubberries, and ornamental Inclosures set out and delineated on the said Map or Plan marked No. 5., or which shall be hereafter set out on the Ground therein contained and described, be laid or assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, or Tenements, in the said Streets, Squares, Terraces, Passages, and Places to which such Gardens, Shrubberies, and ornamental Inclosures shall be respectively attached, in such Sums of Money as the said Commissioners shall order and direct; and separate and distinct Accounts shall be kept of the Monies to arise from such Rates and Assessments, which Monies shall be expended and laid out in the maintaining and keeping in order the Gardens, Shrubberies, and ornamental Inclosures attached to the Street or Streets, Square or Squares, Terrace or Terraces, Place or Places, upon which such Rate or Assessment shall be charged and assessed, and from which the same shall be collected: Provided always, that none of the said Rates or Assessments shall in any one Year exceed the Sum of Two Shillings in the Pound on the yearly Value of such Houses and other Premises.

In case of Dispute, the Commissioners to determine what Streets, &c. any ornamental Inclosures within their Jurisdiction are attached to.

X. Provided also, and be it further enacted, That if any Question shall arise as to what Streets, Squares, Terraces, Passages, and Places the Gardens, Shrubberies, and ornamental Inclosures delineated and described on the said Map or Plan marked N° 5., or which shall hereafter be set out on the Ground therein contained and described, shall be considered as respectively attached to, within the Meaning of this Act, or as to what Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, and Places the Gardens and Terraces at *Richmond Terrace*, mentioned in the said recited Act of the Fifth Year of the Reign of His present Majesty, and the several other Gardens, Shrubberies, and ornamental Inclosures delineated and described on the said Map or Plan marked N° 3., or which shall hereafter be set out on any Part of the Ground therein contained and described, shall be considered as attached to, within the Meaning of the said last-mentioned Act, or as to what Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, or Places any Gardens, Shrubberies, or ornamental Inclosures which may be hereafter placed under the Jurisdiction of the said Commissioners for executing this Act, pursuant to the Provision for that Purpose herein-after contained, shall be considered as respectively attached to, such Question shall be determined by the said Commissioners for executing this Act, and their Determination shall be final.

XI. And

Commissioners under this Act to pave, &c. the Westminster Mews.

XI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the Interior of the said Mews or Stables called the *Westminster Mews*, delineated and set out on the said Map or Plan marked N° 6., to be paved or pitched, or to be formed with broken Stone, Granite, Flint, Gravel, or other firm and sufficient Materials, upon such Levels and in such Manner as they the said Commissioners shall judge necessary, and to be from Time to Time amended and kept in repair, and to cause the Interior of the said Mews or Stables to be lighted, watched, watered, cleansed, and regulated, and all Obstructions, Encroachments, Nuisances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourses to be made, for conveying the Water from the Interior of the said Mews or Stables; and if any Person shall, without the Consent of the said Commissioners, alter the Form, or break up the Ground or Pavement of the Interior of the said Mews or Stables, every Person so offending shall forfeit any Sum not exceeding Ten Pounds for every such Offence, and shall also pay all the Expences of restoring such Ground or Pavement to its former State.

Commissioners of Woods and Forests may inclose the Mews, erect Gates and Lodges at the Entrance thereof, and appoint Porters to attend the same.

XII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and they are hereby authorized and empowered, to inclose the said Mews or Stables, and to erect Iron or other Gates at the Entrance of such Inclosure, and also to build one or more Lodge or Lodges near or adjoining to the said Gates, and to nominate one or more Porter or Porters, with proper and adequate Salaries, to attend the said Gates; and it shall be the Duty of the said Porters to attend the said Gates, and allow Persons, Carriages, and Horses going to or from the Stables and Coach-houses within the said Mews, to pass into or out of the said Gates, and to prevent the Admission of improper Persons and Vehicles, and to perform such other Duties as shall be required of them by the Commissioners for executing this Act; and such Salaries and Allowances shall be paid and made, by the said Commissioners for executing this Act, to the said Porters, out of the Rates to be levied on the Occupiers of the said Stables and Coach-houses, as to the said Commissioners for executing this Act shall seem proper and adequate; and any such Porters shall from Time to Time be removed, if the said Commissioners of His Majesty's Woods, Forests, and Land Revenues shall think fit to remove them for any Cause, and other proper Persons shall thereupon be appointed in manner aforesaid in their Stead.

Commissioners under this Act to maintain Gates, Lodges, &c. of the Mews.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to cause the Railings of the said Gates, and also the Railing round the said Mews, and all Pumps, Posts, Rails, Easements, and Appurtenances used in common by the Occupiers of the said Mews or Stables, to be from Time to Time renewed, painted, maintained, and repaired, and the Lodge or Lodges to be so erected as aforesaid to be kept in repair, and to pay all Rates and Taxes

Taxes which may be assessed or become payable in respect of the said Lodge or Lodges, and to appoint one or more Watchman or Watchmen to be employed in guarding the Interior of the said Mews or Stables.

Rates to be made for paving, &c. of the Mews.

XIV. And be it further enacted, That Rates or Assessments shall, for the Purpose of paving, repairing, cleansing, lighting, watching, and watering the Interior of the said Mews or Stables called the *Westminster Mews*, and paying the Salaries of Porters to be appointed for the Care of the Gates thereof as aforesaid, and the Expences of renewing, painting, maintaining, and repairing the said Gates and Railings, Easements and Appurtenances, and keeping in repair, and paying the Rates and Taxes which may be payable in respect of the said Lodge or Lodges, be laid and assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Stables, Coach-houses, and Buildings within the said Mews, in such Sum and Sums of Money as the said Commissioners shall order and direct; but no such Rate or Assessment shall in any one Year exceed the Sum of Five Shillings in the Pound on the yearly Value of such Stables, Coach-houses, and Buildings.

Powers of the Committee for paving St. Margaret and St. John's, in Streets, &c. to cease.

XV. And be it further enacted, That from and after the passing of this Act all the Duties and Powers of the Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, with respect to the paving, lighting, and cleansing of the Streets and Places which are hereby placed under the Jurisdiction of the Commissioners for executing this Act, (which said Streets and Places are delineated and set out and coloured Blue on the said Map or Plan marked N° 7.,) and also all Powers and Authorities to levy any Rates or Assessments for those Purposes (save and except as to the Recovery of any Arrears of Rates which may be then due), and also the Property of the said Committee in the Materials of the Pavement, and also in all Lamps, Lamp Irons, Posts, Rails, Fences, and Gates in and upon and belonging to the said Streets and Places, shall cease and be determined.

The last-mentioned Streets to be paved by the Commissioners under this Act.

XVI. And be it further enacted, That so much of the Carriage and Foot Pavement of the last-mentioned Streets and Places as is hereby placed under the Jurisdiction of the Commissioners for executing this Act, and hath heretofore been kept in repair, lighted, and cleansed by the said Committee for paving the said Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, shall, from and after the passing of this Act, be kept in repair, lighted, and cleansed by the said Commissioners for executing this Act.

Construction of Houses in Streets coloured Red on the Plans N°s 5. and 7. placed under their Controul.

XVII. And be it further enacted, That all the Houses, Shops, Warehouses, Buildings, and Tenements standing or erected on or by the Sides of so much of the several Streets and Places as on the said Maps or Plans, marked N°s 5. and 7. respectively, is coloured Red, shall, as to the Manner of constructing, ornamenting, defacing, altering, or using the same, be under the Controul and Superintendence

tendence of the said Commissioners, and shall be regulated according to the Provisions of this Act.

Part of the Albany Road to be kept in repair by the said Commissioners.

XVIII. And be it further enacted, That so much of the Carriageway of the said Road called the *Albany Road* as is hereby placed under the Jurisdiction of the said Commissioners for executing this Act, and hath heretofore been kept in repair and cleansed by the said Commissioners of the Metropolis Turnpike Roads North of the *Thames*, shall, from and after the said First Day of *January* next after the passing of this Act, be kept in repair, lighted, and cleansed by the said Commissioners for executing this Act.

Power to water Streets.

XIX. And be it further enacted, That the said Commissioners for executing this Act shall have the same Power of watering the several Streets and Places by this Act placed under their Jurisdiction, or any of them, and of sinking Wells and making Pumps for that Purpose, as by the said recited Act of the Fifth Year of the Reign of His present Majesty is given to them for watering the Streets and Places by that Act placed under their Jurisdiction.

Property of Pavements, &c. vested in the said Commissioners.

XX. And be it further enacted, That from and after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of the several Streets and Places hereby placed under the Jurisdiction of the Commissioners for executing this Act, the Property of which is now vested in the said Committee for paving the Parishes of *Saint Margaret* and *Saint John the Evangelist, Westminster*, and also all Lamps, Lamp Irons, Posts, Rails, Fences, and Gates in and upon or belonging to the said several Streets and Places, the Property of which is now vested in the said Committee, shall be the Property of and vested in the said last-mentioned Commissioners; and that from and after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of that Part of *Pall Mall* which extends in Front from the Eastern to the Western Side of *Waterloo Place*, the Property of which is now vested in the Committee for paving the Parish of *Saint James, Westminster*, shall be the Property of and vested in the said last-mentioned Commissioners; and also that from and after the said First Day of *January* next after the passing of this Act, the Stone, Granite, and other Materials forming the present Pavement of so much of the *Albany Road* as is hereby placed under the Jurisdiction of the said last-mentioned Commissioners, the Property of which is now vested in the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, shall be the Property of and vested in the said Commissioners for executing this Act.

Additional Rates may be made for watching the Streets, &c.

XXI. And whereas such Part only of the Streets and Places by the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty directed to be paved or formed, and repaired, cleansed, and lighted, by the said Commissioners acting in execution of those Acts, as is comprized in the said Maps or Plans numbered 1. and 8. respectively, are watched by the said Commissioners; and it is therefore expedient that a separate Rate should be made

for the Purpose of watching such of the said Streets and Places as are so watched; be it therefore enacted, That One or more Rate or Rates, Assessment or Assessments, shall, for defraying the Expences of watching the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places set out or to be set out on the Ground delineated and described on the said Maps or Plans marked N°s 1. and 3., referred to in the said firstly-recited Act, including so much of the said *Albany Road* as is hereby placed under the Jurisdiction of the said Commissioners, be laid and assessed by the said Commissioners, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, and all Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals, Schools, and all Shops, Warehouses, Coach-houses, Stables, Cellars, and Vaults, and all other Buildings or Tenements, public or private, and all Spaces of Ground in or fronting or abutting on such Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places, in such Sum or Sums of Money as the said Commissioners shall order and direct; but so nevertheless as that such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any one Year the Sum of One Shilling in the Pound on the yearly Value of such Houses and Premises, or, in Cases where the Rates or Assessments shall, under the Provisions herein-after contained, be made according to the Number of Square Yards of Pavement, the Sum of One Shilling for each such Square Yard; and the said Rates or Assessments shall be laid and assessed equally on the Houses and Premises in all the said Streets and Places according to the yearly Value of such Houses and Premises respectively, or, in Cases where the Rates and Assessments shall be made according to the Number of Square Yards of Pavement, then according to the Number of such Square Yards respectively; and the Monies to arise from such Rates and Assessments shall be applied in defraying the Expences of watching the said several Streets and Places.

Rates may be made for paving and watering.

XXII. And for defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, as well the several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places, by the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty respectively directed to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners acting in execution of those Acts, as also the several Streets, Squares, Terraces, Roads, Passages, and Places (except the said *Westminster Mews*) herein-before directed to be paved or formed, and repaired, lighted, cleansed, and watered, by the said Commissioners, and for the Purposes of the other Payments herein-after in that Behalf mentioned, and in lieu and stead of the Rates and Assessments by the said recited Acts authorized to be made and collected for paving or repairing, cleansing, lighting, watching, and watering the said several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places; be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be laid and assessed by the said Commissioners for executing this Act, at yearly or half-yearly Periods, or oftener, if they shall judge it needful, upon all Houses, and all Cathedral,

Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals and Schools, and all Shops, Warehouses, Coach-houses, Stables, Cellars, and Vaults, and all other Buildings or Tenements, public or private, and all Spaces of Ground in or abutting upon or fronting the Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, and Places set out or to be set out on the Ground delineated and described on the said Map or Plan marked N° 1., referred to in the said recited Act of the Fifth Year of the Reign of His present Majesty; and in the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places delineated and coloured Brown on the said Map or Plan marked N° 2., referred to in the same Act, and directed to be paved or repaired, cleansed, lighted, and watered, by the said Commissioners; and in the Streets, Squares, Circuses, Terraces, Ways, Courts, Passages, and Places set out and delineated on the said Map or Plan marked N° 3., referred to in the same Act; and in the Streets and Places, and Parts of Streets and Places, which are by the said recited Act of the Sixth Year of the Reign of His present Majesty placed under the Jurisdiction of the said Commissioners; and in the Streets, Squares, Terraces, Passages, and Places set out or to be set out on the Ground delineated and described on the said Map or Plan marked N° 5., herein-before referred to; and in the Streets, Passages, and Places delineated and described in the said Map or Plan marked N° 7., herein-before referred to; and in the said Road called the *Albany Road;* in such Sum or Sums of Money as the said Commissioners shall order and direct; but so nevertheless as that such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any one Year the Sum of Two Shillings and Sixpence in the Pound according to the yearly Value of the said Houses and Premises, or in Cases where, under the Provisions herein-after contained, the Rates or Assessments shall be made according to the Number of Square Yards of Pavement, the Sum of Two Shillings for each such Square Yard.

His Majesty, as Owner of public Buildings, shall be liable to be rated.

XXIII. And be it further enacted, That the King's most Excellent Majesty, His Heirs and Successors, as Owner or Owners of any public Building or Buildings which may be situate within the Limits of either of the said recited Acts of the Fifth and Sixth Years of His said Majesty's Reign, or of this Act, shall be liable to be rated and assessed to the several Rates and Assessments for the Purposes of such Acts, in like Manner as the Owners or Proprietors of other public Buildings within the Limits of the said Acts are liable to be rated and assessed.

Rates to be assessed equally, except in case any Street shall be watered when others are not.

XXIV. And be it further enacted, That, subject to the Provisions herein-after contained for making Assessments in certain Cases according to the Number of Square Yards of Pavement, the said last-mentioned Rates or Assessments shall be laid and assessed equally on the Houses, Cathedral, Collegiate, and other Churches, Parochial and other Chapels, Places for Religious Worship, Hospitals, Schools, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, and Spaces of Ground in, abutting upon, or fronting all the

the said several Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets and Places: Provided only, that if any one or more of the said Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets and Places, shall be watered, whilst any other or others of them shall not be watered, such additional Rate may be laid and assessed in such one or more of the said Streets, Squares, Circuses, Terraces, Roads, Ways, Courts, Passages, Places, and Parts of Streets and Places, as shall be so watered, beyond the Rate laid and assessed in the other or others of them, as the said Commissioners for executing this Act shall consider equivalent to the Expence of so watering the same.

Commissioners under this Act may contract with the Committees of the Parishes for paving, watering, &c. of Waterloo Place, Cockspur Street, and Charing Cross.

XXV. And whereas it may be expedient that the paving, maintaining, repairing, and watering of that Portion of *Pall Mall* Eastward from *Waterloo Place*, and of *Cockspur Street* and *Charing Cross Street*, which are respectively under the Charge and Management of the Committee for paving, lighting, and cleansing the Parish of *Saint James, Westminster*, and the Committee for paving the Parish of *Saint Martin in the Fields*, should be performed by the Commissioners for executing this Act; be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to contract or agree with the said Committees, or with either of them, for the paving, maintaining, repairing, and watering the Carriageway of that Portion of *Pall Mall* Eastward from *Waterloo Place*, and of *Cockspur Street* and *Charing Cross Street*, or any Part or Parts thereof respectively, at such a Price or Sum as may be agreed upon between the said Commissioners and the said Committees or either of such Committees; and that in the event of any such Contract and Agreement, the Monies to be received by the said Commissioners in respect thereof shall be applied in defraying the Expences of such paving, maintaining, repairing, and watering as aforesaid; and any Surplus or Deficiency of such Monies shall be added to or defrayed out of the Monies to arise from the said last-mentioned Rates and Assessments.

Act not to prejudice the Right to recover Arrears of Rates.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall prejudice the Right of the said Commissioners for executing this Act to recover any Arrears which may be or become due in respect of any Rate or Assessment made by them under the Authority of the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, or of either of them.

Powers of recited Act 5 G. 4. c. 100., as to the making and collecting of the several Rates, extended to this Act.

XXVII. And be it further enacted, That all the several Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, with reference to the making of the Rates by that Act authorized to be made, and with reference to the Payment thereof, and the Liability to pay the same, and with reference to the Recovery thereof when in arrear, except so far as the same are by this Act expressly altered and repealed, shall be and the same are hereby extended and made applicable to the making of the several Rates by this Act authorized to be made, and to the Payment and

Recovery thereof, and to the enabling the said Commissioners to borrow any Sum or Sums of Money on the Security thereof, in the same Manner, to all Intents and Purposes, as if the said Powers and Provisions had been severally hereby repeated and re-enacted with reference thereto.

Corner Houses to be included in the Rate.

XXVIII. And to prevent any Question whether the Provision in the said recited Act of the Fifth Year of the Reign of His present Majesty contained, with respect to rating Houses and other Buildings standing at the Corners of Streets crossing the Streets and Places in respect of which Rates are to be made under that Act, is by the preceding Clause extended to Houses and other Buildings standing at the Corners of Streets crossing the Streets in which Rates are to be made under this Act, be it further enacted and declared, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, in laying and assessing the said respective Rates hereby authorized to be laid and assessed by them, to include in such Rates, and to rate the Corner or Return Houses, or other Buildings or Tenements standing and erected at the Corners or Angles of any Street, Square, Circus, Terrace, Court, Passage, or Way which shall cross or branch from any of the said Streets, Squares, Terraces, Passages, or Places, in or in respect of which such Rates or Assessments are to be made; and the cleansing of all such Corner or Return Houses, Buildings or Tenements, shall be performed by the said Commissioners.

Commissioners to pay Part of the Rates for paving, &c. of certain Streets, &c. in the Parish of St. James abutting on the Premises under their Controul.

XXIX. And whereas several of the Houses, Buildings, and Premises in the Streets, Squares, Terraces, Passages, and Places delineated, described, and coloured Blue on the said Map or Plan marked N° 5., abut respectively in part on Streets, Ways, Courts, Passages, and Places now under the Jurisdiction, Controul, and Management of the Committee for paving, cleansing, and lighting the Parish of *Saint James, Westminster;* be it further enacted, That the said Commissioners shall from Time to Time pay a proportionate Part of the several Rates and Assessments to be respectively laid and assessed by virtue of this Act on the said last-mentioned Houses, Buildings, and Premises, unto the said Committee, for or in respect of the paving, cleansing, and lighting such Parts of the several Streets, Ways, Courts, Passages, and Places upon which the said several last-mentioned Houses, Buildings, and Premises, or the Sides or other Parts thereof, abut, such proportionate Part to be from Time to Time fixed by the said Commissioners.

So much of 5 G. 4. c. 100. as regulates the Rates upon empty Houses, and upon Outgoing and In-coming Tenants, repealed.

XXX. And be it further enacted, That so much of the said recited Act of the Fifth Year of the Reign of His present Majesty as provides for and regulates the Rates or Assessments to be made upon such of the Houses and other Buildings mentioned in the said recited Act as shall at the Time of making such Rates or Assessments be empty or unoccupied, and the Amount of Rates or Assessments to be charged upon Premises which shall after the making of such Rates or Assessments become empty or unoccupied, and also the Payment of the said Rates or Assessments, and all

Arrears due thereon, and also so much of the same Act as provides, that in all Cases where any Person shall remove from or quit any House, Building, or Tenement which shall be rated or assessed by virtue of the said Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time that he or she occupied the same, and that in all Cases where any Person shall come into or occupy any House, Building, or Tenement rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, the Person coming into or occupying the same shall not be liable to pay any such Rate or Assessment in respect thereof, for a longer Period than Twelve Months prior to the Commencement of such incoming Tenant's Entrance on the Premises, shall be and the same are hereby repealed.

Empty Houses to be charged with Half Rates.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to rate and assess the Houses and other Buildings by the said recited Act of the Fifth Year of the Reign of His present Majesty and by this Act authorized to be rated and assessed, to the full Amounts by the said recited Act and this Act respectively authorized, although the Houses and other Buildings, or some of them, shall at the Time of making such Rates or Assessments be empty or unoccupied; but the Half only of such full Rates or Assessments shall be payable in respect of such of the said Houses and other Buildings as shall be or shall become empty or unoccupied, for such Time as the same respectively shall remain empty or unoccupied; and then and in every such Case such Half of the said full Rates or Assessments, and all Arrears of such Half of the said full Rates or Assessments, computed from the Time such Houses or other Buildings respectively became empty and unoccupied, shall be paid by the Person or Persons for the Time being entitled to such Houses or other Buildings, or by the first or any other Tenant or Occupier thereof; and such Tenant or Tenants, Occupier or Occupiers, shall and may and is and are hereby authorized to deduct and retain the same out of his, her, or their Rent or Rents respectively; and the Person or Persons for the Time being entitled to the Rent of such Houses or other Buildings, immediately payable by the Occupier or Occupiers thereof, is and are hereby required to allow such Deduction, upon Receipt of the Residue of his, her, or their respective Rent or Rents; and the said Tenant or Tenants, Occupier or Occupiers, shall be and is and are hereby acquitted and discharged of and from so much of his, her, or their Rent as the Payments by him, her, or them in that respect shall amount to.

Powers of recited Act relative to the Recovery of Rates shall extend to the Recovery of Half Rates.

XXXII. Provided always, and be it further enacted, That the several Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, and not hereby repealed, relative to the Rates and Assessments by that Act authorized to be laid and assessed, and to the Recovery thereof, and of the Arrears thereof, shall, so far as the same are applicable, extend and the same are hereby extended to the Half of such Rates or Assessments, and to the Recovery thereof and of all Arrears thereof, in all Cases in which

which such Half shall be charged and payable under or by virtue of this Act.

How Amount of Rates in respect of Cathedrals, Churches, &c. shall be ascertained.

XXXIII. Provided also, and be it further enacted, That the respective Rates or Assessments to be laid and assessed by the said Commissioners under or by virtue of this Act, upon or in respect of any Cathedral, Collegiate, or other Church, Chapel, Place of Religious Worship, Hospital, Public School or other Public Building, or any Wall or void Space of Ground, instead of being ascertained according to the yearly Value thereof, shall be ascertained according to the Number of Square Yards of Pavement or Ground belonging to such Cathedral, Collegiate, or other Church, Chapel, Place of Worship, Hospital, Public School or other Public Building, Wall, or void Space of Ground, measuring the same from such Cathedral, Collegiate, or other Church, Chapel, Place of Worship, Hospital, School, Building, Wall, or void Space of Ground, to the Middle of the Street, Square, or Place on which the same shall respectively abut; and in making the said Rates and Assessments hereby authorized to be made the said Commissioners for executing this Act shall determine what Sum shall be assessed in respect of each Square Yard of Pavement or Ground belonging to such Cathedral, Collegiate, or other Churches, Chapels, Places of Worship, Hospitals, Public Schools or other Public Buildings, Walls, and void Spaces of Ground, such Sums not exceeding in the whole in any one Year the Sums herein-before mentioned; and the Rates or Assessments to be laid and assessed upon or in respect of any Cathedral or Collegiate Church shall be paid by the Dean and Chapter thereof; and the Rates or Assessments to be laid and assessed upon or in respect of any other Church, or any Chapel, Place of Worship, Hospital, School, or other Public Building, Wall, or void Space of Ground, shall be paid by the Churchwardens, Chapelwardens, Trustees, or Owners or Proprietors thereof respectively; but so nevertheless, that no such Rate or Assessment shall, by virtue of this Act, be laid or assessed upon or in respect of any Wall or void Space of Ground, unless the same shall abut upon or front some Street or Place to be paved or repaired, cleansed, lighted, or watched by the Commissioners for executing this Act.

Recovery of Rates from Out-going and In-coming Tenants.

XXXIV. Provided also, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House or other Building rated or assessed by the said Commissioners, by virtue of this Act or of the said recited Act of the Fifth Year of the Reign of His present Majesty, which shall be immediately afterwards occupied by some other Person or Persons, such Person or Persons so removing as aforesaid shall be liable to pay the Rates and Assessments so made upon the said House or other Building, in proportion to the Time that he, she, or they occupied the same, in the same Manner as if he, she, or they had remained in the Possession or Occupation of the same; and that any Person or Persons coming into or occupying any House or other Building rated and assessed by virtue of this Act or of the said recited Act, shall be liable to pay the Rates and Assessments so made upon the said House or

or other Building, in proportion to the Time that he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been the Occupier or Occupiers thereof at the Time when the same was so rated and assessed as aforesaid, and shall also be liable to pay all Arrears of any Rates and Assessments which shall not be recovered from the last or any other Person or Persons so removing as aforesaid, and which shall have accrued within Six Calendar Months next preceding the Time when such Person or Persons so coming into or occupying any House or other Building as aforesaid shall come into or commence to occupy the same, but not any Arrears which shall have accrued more than Six Calendar Months previously to such Occupation: Provided always, that nothing herein-before contained shall extend or be construed or taken to extend to exempt any Tenant or Occupier of any House or other Building liable to be rated by virtue of this Act or of the said recited Act, who, under and by virtue of the Provision herein-before contained, shall be liable to be charged with and to pay all Arrears of the Half of any Rates and Assessments made in respect of any of the said Houses or other Buildings which may be or become empty or unoccupied as aforesaid, from Payment of all such Arrears, whether the same shall have accrued within Six Calendar Months previously to his or their Occupation of such House or Building, or not.

Application of Rates.

XXXV. And be it further enacted, That the Monies to be collected and received by the said Commissioners for executing this Act, from the Rates or Assessments herein-before directed to be laid and assessed by them for defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, the several Streets and Places (except the said *Westminster Mews*) by the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty and by this Act respectively directed to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners, and for the Purpose of other Payments, shall be applied by the said Commissioners, in the first place, in paying and discharging the Expences attending the obtaining and passing of this Act, in the next place, in paying from Time to Time the Interest of all Principal Monies which have been already borrowed under the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, or either of them, or under Two Acts of the Fifty-third and Fifty-sixth Years of the Reign of His late Majesty King *George* the Third, recited in the said Act of the Fifth Year of the Reign of His present Majesty, or either of them, or which may hereafter be borrowed under the Powers of this Act, and, subject thereto, in defraying the Expences of paving or forming, and repairing, cleansing, lighting, and watering, the several Streets and Places (except the said *Westminster Mews*) by the said recited Acts of the Fifth and Sixth Years aforesaid, and by this Act, respectively directed or authorized to be paved or formed, and repaired, cleansed, lighted, and watered, by the said Commissioners, and in paying off the said Principal Monies already borrowed or hereafter to be borrowed as aforesaid.

Power to Commissioners to borrow Money on Credit of the Paving Rates;

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to borrow or raise any Sum or Sums of Money, on the Credit of the said last-mentioned Rates or Assessments, for any of the Purposes to which the Monies to arise from the said last-mentioned Rates and Assessments are hereby made applicable; and all the Powers and Provisions contained in the said recited Act of the Fifth Year of the Reign of His present Majesty, with reference to the borrowing or raising of Money by the said Commissioners on the Credit of the Rates and Assessments to be collected by them under the Authority of that Act, and to the Transfer of the Securities for the same, except so far as the same are hereby altered or repealed, shall be and the same are hereby extended and made applicable to the borrowing and raising of Money by the said Commissioners on the Credit of the said Rates and Assessments on the Credit of which they are hereby authorized to borrow or raise Money, and to the Transfer of the Securities for the same, as fully and effectually, to all Intents and Purposes, as if the said Powers and Provisions had been severally hereby repeated and re-enacted with reference thereto.

but not to any greater Amount than 50,000*l.*

XXXVII. Provided always, and be it further enacted, That the said Commissioners shall not borrow or raise, under the Authority of this Act, any greater Sum in the whole than the Sum of Fifty thousand Pounds.

Accounts to be made up.

XXXVIII. And be it further enacted, That the said Commissioners for executing this Act shall, at the Time of making out the annual Accounts to be made out in pursuance of the said first-recited Act, cause a like Account of the Monies received and disbursed in the preceding Year, and the Amount of the Arrears of Rates then due under the Authority of this Act, and of the Balances of Cash then in their Hands, arising from the Rates to be assessed under this Act, to be made out; which Account it shall be lawful for all Persons rated or assessed by the said Commissioners, under and by virtue of this Act, to the Rates or Assessments aforesaid, and all Persons interested therein, at all seasonable Times to inspect.

Lodges at Richmond Terrace to be maintained by Commissioners.

XXXIX. And be it further enacted, That the Expence of maintaining and repairing the Lodge erected, or any Lodge or Lodges to be erected, under the Authority of the said recited Act of the Fifth Year of the Reign of His present Majesty, at the Entrance to *Richmond Terrace*, shall be defrayed, and all Rates and Taxes payable in respect of such Lodges shall be paid, by the said Commissioners for executing this Act, out of the Monies to arise from the Rates to be made under the said Act, for supporting and keeping in order the Gardens and Terraces at the same Terrace.

Porticoes and Colonnades, &c. may be authorized by the Commissioners.

XL. And whereas it is expedient that Porticoes, Arcades, Colonnades, or other covered Ways, should be allowed to extend over the Footways of some of the said Streets, Squares, Terraces, Passages, Roads, and Places within the Limits of this Act and of the said recited Act of the Sixth Year of the Reign of His present Majesty, and

that Bow Windows, Shop Windows, Alcoves, Balconies, and other ornamental Projections, should be allowed to be advanced to the Fronts of Areas; provided such Porticoes, Arcades, Colonnades, or other covered Ways, Bow Windows, Shop Windows, Alcoves, Balconies, and other ornamental Projections, be made of Brick, Stone, Metal, or other incombustible Materials: Be it therefore further enacted, That it shall and may be lawful for the said Commissioners for executing this Act to authorize and permit the continuing, and the building or erecting and making, of any Porticoes, Arcades, Colonnades, and other covered Ways, projecting from any Buildings or Houses which shall or may be built in or on any of the Streets, Squares, Terraces, Passages, Roads, and Places, and Parts of Streets and Places, by the said recited Act of the Sixth Year aforesaid, or by this Act, placed under the Jurisdiction of the said Commissioners, extending over any Footways of the said Streets, Squares, Terraces, Passages, Roads, and Places; provided the same do not obstruct or incommode the Foot Passengers, and that the Footways under the same be at least Nine Feet broad in the clear between the Columns, Piers, or other Supports of such Porticoes, Arcades, Colonnades, or other covered Ways, and the Railing of the Areas of the Houses or other Buildings before or at the Sides of which the same are placed; and provided such Colonnades, Arcades, Porticoes, and covered Ways be built of Brick, Stone, or Metal, or Stucco or Cement laid on Brick or Stone, except Joists and Bearers which form the Covering over the said Footways, which may be of Wood covered with Plaister or Stucco or other uninflammable Composition; and so as that all such Porticoes, Colonnades, Arcades, and other covered Ways be made in such Manner, and upon such Plans, and of such Dimensions, as shall be ordered and directed by the said Commissioners in that Behalf; and the same may, by the Authority of the said Commissioners, project and extend, either from the Front or the Side of such Houses and Buildings, or from the Back or any other Part thereof, as the said Commissioners shall authorize and direct, and notwithstanding the same may project into any Street or Place not within the Limits hereinbefore described; any thing in an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, or any other Act or Acts, to the contrary notwithstanding. 57 G. 3. c. 29.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act to authorize and permit the erecting or making, or continuing or suffering to remain, the Fronts or Sides or other Parts of any Houses or Buildings in any of the said Streets, Squares, Terraces, Passages, Roads, and Places, and Parts of Streets and Places, in such Manner as that the Fronts, Sides, or other Parts of some of the said Houses or Buildings may recede behind or advance before other Houses, and with Bow Windows, Virandas, Alcoves, Balconies, Pilasters, Columns, and Shop Windows, and other Projections, attached to such Houses or Buildings, either in the Fronts thereof or at the Sides or Back Part thereof, as the For allowing Balconies, Virandas, &c.

the said Commissioners shall authorize, notwithstanding the same may extend into or project over any Street or Place not within the Limits of the said recited Act of the Sixth Year aforesaid, or of this Act; provided that no Front, Side, or Back of any such House or Building, or any such Bow Window, Viranda, Alcove, Balcony, Pilaster, Column, Shop Window, or other Projection, advance beyond the Area of the House or Building to which it shall belong; and that the same be built of Brick, Stone, Metal, or Stucco or other Cement laid on Brick or Stone, except Shop Windows, with their Shutters and Decorations, which may be of Wood; any thing in the said Act of the Fifty-seventh Year of His late Majesty's Reign, or any other Act or Acts, to the contrary notwithstanding.

Penalties for making or using Keys for the Gardens, &c. without Permission of the Commissioners.

XLII. And be it further enacted, That if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the Gardens, Shrubberies, or ornamental Inclosures formed or laid out, or hereafter to be formed or laid out, and hereby placed under the Jurisdiction of the said Commissioners for executing this Act, without the Permission in Writing of the said Commissioners, or of any Garden, Shrubbery, or ornamental Inclosure formed or laid out, or hereafter to be formed or laid out, in the *Regent's Park*, and under the Jurisdiction of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, without the Permission in Writing of the said last-mentioned Commissioners, or shall sell or cause or procure to be sold any such Key or Keys to any Person or Persons whomsoever, or shall knowingly use any Key or Keys so unlawfully made or sold in opening any Lock or Locks as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds; and the said Commissioners for executing this Act, or the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or any of them respectively, or the Gardener or Keeper of any of the said Gardens, Shrubberies, and ornamental Inclosures, appointed by such Commissioners, together with any Person or Persons whom they or he may call to their or his Assistance, are and is hereby authorized and empowered to seize, detain, and keep any such Key or Keys as aforesaid, and to cause the Person or Persons so making or selling, or causing or procuring to be made or sold, or so using such Key or Keys as aforesaid, to be summoned before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

Penalty on Persons committing any Damage or Nuisance, or behaving disorderly in the Gardens or Pleasure Grounds.

XLIII. And be it further enacted, That if any Person shall wilfully commit any Spoil, Waste, Damage, Depredation, Annoyance, Disorder, or Nuisance in, to, upon, or about any of the Paths, Walks, Grass-plots, or Shrubberies of any of the said Gardens, Shrubberies, or ornamental Inclosures, or the Avenues or Approaches thereto, or shall, by riotous, disorderly, or wilful Misbehaviour, molest or interrupt the free Passage of any Person using or passing along the same, then and in every such Case the Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and such Offender shall and may be apprehended by any Gardener or Keeper

Keeper of any of the said Gardens, Shrubberies, or ornamental Inclosures, or by any other Person or Persons whom he or they may call to his or their Assistance; and it shall be lawful for the Person or Persons so apprehending such Offender to carry such Offender before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

Inheritance or Property of Gardens not to be altered.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, adjudged, deemed, or taken to alter the Inheritance or Property of any of the said Gardens, Shrubberies, or ornamental Inclosures set out and delineated on the said Map or Plan marked N° 5., but the Inheritance and Property thereof shall remain in and belong to His Majesty, His Heirs, Successors, and Assigns, in such and the same Manner as if this Act had not been passed.

Power to erect Watchboxes within the Areas of Houses, &c.

XLV. And be it further enacted, That it shall and may be lawful for the Commissioners for executing this Act to erect and set up Watchboxes within the Areas or inclosed Fronts of any Houses, Buildings, or Tenements situate in any of the Streets, Squares, Roads, or Places watched by them under the Authority of the said recited Act of the Fifth Year of the Reign of His present Majesty, or of this Act, and to make any Gate or Gates to communicate with such Watchboxes: Provided always, that when such Watchboxes are erected and set up within any Areas or Fronts which are or shall be inclosed from the Foot or other Pavement, the said Commissioners shall cause Gates to be made to communicate with such Watchboxes, and shall keep the same Gates continually locked during such Time as the Watchmen for whose Use the said Watchboxes shall be made shall not be upon Duty.

Commissioners to regulate the Stands of Coaches, &c.

XLVI. And be it further enacted, That the Commissioners for executing this Act may from Time to Time direct and regulate such Stands for Stage Coaches, or for Hackney Coaches or Chariots, or Carriages on Two Wheels, plying for Hire within the Limits of the said recited Acts or of this Act, as the said Commissioners shall in their Discretion think proper.

No Hackney Coaches to be permitted to ply within the Limits of this Act, except in Places directed by the Commissioners.

XLVII. And be it further enacted, That from and after the Expiration of One Calendar Month next after the passing of this Act it shall not be lawful for any Person to stand or ply for Hire with any Stage Coach, or Hackney Coach or Chariot, or any Carriage on Two Wheels, in any of the Streets, Squares, Roads, or Places by the said recited Acts or by this Act placed under the Jurisdiction of the Commissioners for executing this Act, except in such Places as may be directed by the said Commissioners; and that if any Person shall stand or ply for Hire, with any such Coach, Chariot, or Carriage, within the Limits aforesaid, (except as aforesaid,) the Party so offending shall, on the Conviction thereof, by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County of *Middlesex*, or before the Commissioners acting under or by virtue of the

several Acts for the licensing and regulating of Hackney Coaches and Chairs in the Cities of *London* and *Westminster*, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for every such Offence; one Moiety of which Penalty shall be paid to the Informer (who it is hereby declared shall not be an incompetent Witness by reason of his Interest in such Moiety of the Penalty), and the other Moiety to the Use of the King's most Excellent Majesty, His Heirs and Successors; and if such Offender shall not pay the said Penalty immediately on Conviction, he shall be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid: Provided always, that all such Offences shall be prosecuted within Seven Days after the same shall be committed.

Powers of recited Act 5 G. 4. c. 100. generally extended to this Act, except as hereby altered.

XLVIII. And be it further enacted, That besides the several Powers and Provisions of the said recited Act of the Fifth Year of the Reign of His present Majesty, herein-before particularly referred to, all and every other the Clauses, Powers, Provisoes, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained, (save and except such Parts of the same Act as are hereby altered or otherwise provided for,) shall be and are hereby declared to be in full Force and Effect, and shall extend to, and be used, exercised, applied, enforced and put in execution, to all Intents and Purposes, as to this Act, and the several Matters and Things herein contained, for paving, repairing, lighting, watching, watering, cleansing, and regulating, maintaining and supporting, the several Streets and Places, Gardens and Inclosures, hereby placed under the Jurisdiction of the said Commissioners for executing this Act, and for carrying the several Purposes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in the Body of this Act, and made Part thereof, with reference to the Streets, Squares, Terraces, Roads, Places, Gardens, and Inclosures hereby placed under the Jurisdiction of the said Commissioners.

Commissioners to maintain the new Common Sewer and the Drains, &c.

XLIX. And be it further enacted, That the said Commissioners for executing this Act shall be and they are hereby appointed Commissioners of Sewers for maintaining and keeping in repair, and they are hereby authorized and empowered to maintain and keep in repair, the aforesaid new Common Sewer, and also the other Drains and Watercourses communicating therewith, made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and also such other Sewers, Drains, and Watercourses as may be necessary for supplying a proper or more effectual Drainage to all or any of the said Streets, Squares, Terraces, Passages, and Places set out and delineated on the said Map or Plan marked N° 5., or which may be hereafter set out on the Ground therein contained and described, and the Houses and Buildings erected thereon; and it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to make and form any Drains, Watercourses, or Communi-

cations from any Part or Parts of the Ground delineated and described on the said Map or Plan marked N° 5., or from any Houses or Buildings erected or to be erected within the Limits therein described, and also from any of the Streets, Squares, Terraces, Passages, and Places within the said Limits, to carry off or drain the Water from all or any of the said Houses, Buildings, Streets, Squares, Terraces, Passages, and Places, into the said new Common Sewer, and also to make such additional Sewers, Drains, and Watercourses as the said last-mentioned Commissioners shall judge necessary for affording a proper and effectual Drainage to any of the said Houses, Buildings, Streets, Squares, Terraces, Passages, and Places within the Limits aforesaid, as are not drained by the said new Common Sewer; and for those Purposes, or any of them, to stop up, divert, or alter any Sewers, Drains, Tunnels, or Watercourses which may be found in making such new Sewers, Drains, Watercourses, and Communications, or which it may in the Judgment of the said last-mentioned Commissioners be expedient or necessary to stop up, divert, or alter.

New Sewer and Drains, &c. placed under the Controul of the Commissioners.

L. And be it further enacted, That from and after the passing of this Act the said new Common Sewer, with all the Drains, Watercourses, and Communications made or to be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, together with all the Sewers, Drains, and Watercourses which shall be hereafter made by the said Commissioners for executing this Act, shall be under the sole Management, Survey, Controul, and Direction of the said Commissioners for executing this Act, and of no other Person or Persons, in such and the like Manner, to all Intents and Purposes, as if the same had been expressly directed by any of the existing Statutes, or any Commission of Sewers, to be under their Survey and Authority; and the said Commissioners shall have all and every the same Powers, Jurisdiction, and Authorities in relation thereto, to all Intents and Purposes, in as full, ample, and extensive a Manner, as are by the said first-recited Act vested in them with respect to the said Principal or Common Sewer thereby placed under their Jurisdiction, Power, and Authority.

Sewer Rates.

LI. And be it further enacted, That in order to defray the Expences of making, maintaining, supporting, and keeping in repair such Sewers, Drains, Watercourses, and Communications as aforesaid, it shall and may be lawful for the said Commissioners for executing this Act to make any Rate or Rates, Assessment or Assessments, by an equal Pound Rate, from Time to Time, as they shall see Occasion, upon all Houses, Buildings, Lands, or Tenements which shall be drained by means of the said Sewers, Drains, Watercourses, and Communications, and by any Precept or Warrant under the Hands of any Three or more of them to authorize and empower any Person or Persons to collect the same Rates and Assessments from Time to Time, and out of the same to make or allow to every such Collector a reasonable Compensation or Salary for his Trouble; which said Rates shall be levied and recovered in the same Manner, and under the same Powers and Authorities, as any other Rate raised and assessed under the Authority of this Act.

LII. Pro-

Person rated to Sewers by the Commissioners not to be subject to any other Sewer Rate.

LII. Provided always, and be it further enacted, That no Person paying to the Sewers Rate or Assessment raised and collected by the said Commissioners under the Authority of this Act shall, during the Continuance of the Payment of such Rate or Assessment, be subject or liable to the Payment of any other Sewers Rate or Assessment in respect of the Premises for which he or she shall have been rated or assessed under or by virtue of this Act.

Commissioners of Sewers not to rate certain Houses.

LIII. And be it further enacted, That nothing in the said recited Act of the Fifth Year of the Reign of His present Majesty or in this Act contained shall authorize or empower the Commissioners of Sewers, under the existing or any future Commission, to assess and collect Rates within their respective Districts from the Owners, Proprietors, or Occupiers of any Houses, Buildings, or Lands in any of the Streets or Places made and laid out, or hereafter to be made and laid out, within the Limits of the Map or Plan marked N° 5. herein-before referred to.

No Sewer to be altered without Concurrence of Commissioners of Sewers.

LIV. Provided always, and be it further enacted, That no Sewer, Drain, Tunnel, or Watercourse which the said Commissioners for executing this Act may judge it necessary to stop up, divert, or alter, shall be stopped up, diverted, altered, or interfered with, otherwise than with the Concurrence and to the Satisfaction of the Commissioners of Sewers for the Time being for the District or Place drained by such Sewer, Drain, Tunnel, or Watercourse.

The Jurisdiction of the Commissioners under this Act may be extended to any Streets, Gardens, &c. to be hereafter formed in St. James's Park.

LV. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, by any Writing under the Hand of the said Lord High Treasurer, or under the Hands of the said Commissioners, or any Three of them, or for the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, by any Writing under their Hands, or the Hands of any Two of them, to direct and appoint that any Street or Streets, Square or Squares, Circus or Circuses, Terrace or Terraces, Way or Ways, Court or Courts, Passage or Passages, Place or Places, Road or Roads, Drive or Drives, Garden or Gardens, Shrubbery or Shrubberies, ornamental Inclosure or Inclosures, which may hereafter be built, formed, made, or set out on any Part of *Saint James's Park*, or on any other Land or Ground belonging to His Majesty, and adjoining or near thereto, shall be under the Jurisdiction of the Commissioners for executing this Act; and from and after the Time or Times specified for that Purpose in such Direction or Appointment, the Premises therein mentioned shall be under the Jurisdiction of the said Commissioners for executing this Act, and shall be paved, lighted, watched, watered, cleansed, and regulated, maintained, supported, and kept in order, according to the Subject Matter thereof, under the same Powers, Authorities, and Provisions, to all Intents and Purposes, as are contained in the said recited Acts of the Fifth and Sixth Years of the Reign of His present Majesty, and in this Act, with respect to the several Streets and Places thereby placed under the Jurisdiction

of

of the said Commissioners; and the said Commissioners shall and they are hereby authorized and empowered to exercise and put in force all the same Powers, Authorities, and Provisions, and to raise Rates, and do all other necessary Matters and Things for paving, lighting, watching, watering, cleansing, and regulating, maintaining, supporting, and keeping in order, all such Streets, Squares, Circuses, Terraces, Courts, Ways, Passages, and Places, Roads, Drives, Gardens, Shrubberies, and ornamental Inclosures, hereafter to be placed under their Jurisdiction as aforesaid, in the same Manner as is in the said Acts and in this Act directed with respect to Premises of the same Description, by such Acts placed under the Jurisdiction of the said Commissioners, as fully, amply, and effectually as if the Premises so to be placed under their Jurisdiction were already set out, formed, and established, and were delineated and described on the said Map or Plan marked N° 5.; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or Commissioners of His Majesty's Woods, Forests, and Land Revenues, as the Case may be, shall cause Three several Maps or Plans of any Premises which may be so placed by him or them under the Jurisdiction of the Commissioners for executing this Act, to be made, and to be authenticated by the Signature of the said Lord High Treasurer, or of the said Commissioners of His Majesty's Treasury, or of any Three of them, or of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or of any Two of them; and one of such Maps or Plans shall be deposited with and shall remain in the Custody of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and one other of them shall be deposited in the Parliament Office, and the remaining one shall be deposited with the Clerk of the Peace for the County of *Middlesex*, within Three Calendar Months after the said Premises shall have been so placed under the Jurisdiction of the said Commissioners for executing this Act, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, paying the Sum of One Shilling for each Inspection, and to take Copies from the said Maps or Plans, or any of them, or from any Part or Parts thereof, paying the Sum of One Shilling for every Copy so taken; and the said Maps or Plans shall be received in Evidence in all Proceedings relating to the Jurisdiction of the said Commissioners, and the Execution and Provisions of this Act.

Plans of the Premises placed under their Jurisdiction to be deposited with the Clerk of the Peace, &c. and be open to Inspection.

LVI. And whereas a public Passage or Court called *Chidley Court*, running from the East End of *Pall Mall*, in the Parish of *Saint James* within the said Liberty of *Westminster*, to *Lower Warwick Street* within the same Liberty, was, in or about the Year One thousand eight hundred and eight, by the Permission of the Committee for paving, cleansing, and lighting the said Parish, stopped up, in consequence of various Nuisances having been committed therein, and the same is continued to be stopped up to the present Time; but Doubts having arisen whether the said Committee had Power to permit the same to be continued to be so stopped up, and it being desirable that the said Court, and the Soil and Freehold thereof, should be vested in His Majesty, freed and discharged from all public or other

Chidley Court, in the Parish of St. James, shall cease to be a public Passage, and the Freehold thereof vested in His Majesty.

Rights of passing or repassing over the same; be it therefore further enacted, That the said Court or Place called *Chidley Court* shall henceforth for ever hereafter cease to be a public Court, Way, or Passage, and that the Soil and Freehold of the said Court or Place shall remain and continue at all Times hereafter vested in His Majesty, His Heirs or Successors, freed and discharged from all public and private Right of passing or repassing over and along the same.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXV.

An Act to restrain the Negotiation, in *England*, of Promissory Notes and Bills under a limited Sum, issued in *Scotland* or *Ireland*. [15th *July* 1828.]

WHEREAS an Act was passed in the Seventh Year of His present Majesty's Reign, intituled *An Act to limit, and after a certain Period to prohibit, the issuing of Promissory Notes under a limited Sum in* England; and Doubts may arise how far the Provisions of the said Act may be effectual to restrain the circulating in *England* of certain Notes, Drafts, or Undertakings made or issued in *Scotland* or *Ireland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Body Politic or Corporate, or Person or Persons, shall, after the Fifth Day of *April* One thousand eight hundred and twenty-nine, by any Art, Device, or Means whatsoever, publish, utter, negotiate, or transfer, in any Part of *England*, any Promissory or other Note, Draft, Engagement, or Undertaking in Writing, made payable on Demand to the Bearer thereof, and being negotiable or transferrable, for the Payment of any Sum of Money less than Five Pounds, or on which less than the Sum of Five Pounds shall remain undischarged, which shall have been made or issued, or shall purport to have been made or issued, in *Scotland* or *Ireland*, or elsewhere out of *England*, wheresoever the same shall or may be payable, every such

7 G. 4. c. 6.

After 5th April 1829, no Corporation or Person shall utter in England Notes or Bills under 5*l.* which have been made or issued in Scotland or Ireland, under Penalty of 20*l.*

such Body Politic or Corporate, or Person or Persons, so publishing, uttering, negotiating, or transferring any such Note, Bill, Draft, Engagement, or Undertaking, in any Part of *England*, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of the Justice of the Peace who shall hear and determine such Offence.

Mode of recovering Penalties.

II. And be it further enacted, That the Penalties which may be incurred under the Provisions of this Act shall and may be recovered in a summary Way, by Information on Complaint, before a Justice or Justices of the Peace, and shall be levied and applied in the Manner directed by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a limited Sum in* England, with respect to the Penalties by the said last-mentioned Act imposed; and all and every the Clauses and Provisions in the said last-mentioned Act contained, relating to the Recovery and Application of the Penalties thereby imposed, shall be applied and put in execution for the Recovery and Application of the Penalties by this Act imposed, as fully and effectually, to all Intents and Purposes, as if such Clauses and Provisions had been herein repeated and expressly re-enacted.

48 G. 3. c. 88.

The Treasury may order a Remission or Mitigation of Penalties.

III. Provided always, and be it enacted, That it shall and may be lawful for the Lord High Treasurer, or for the Commissioners of His Majesty's Treasury, or any Three or more of them, to order and direct that the Whole or any Part of any Penalty which shall be incurred under this Act shall and may be remitted, or mitigated or abated to such Amount, and in such Manner and upon such Conditions as to such Lord High Treasurer or Commissioners of the Treasury may seem fit and proper.

Not to extend to Drafts on Bankers for the Use of the Drawer.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend to any Draft or Order drawn by any Person or Persons on his, her, or their Banker or Bankers, or on any Person or Persons acting as such Banker or Bankers, for the Payment of Money held by such Banker or Bankers, Person or Persons, to the Use of the Person or Persons by whom such Draft or Order shall be drawn.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXVI.

An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea.

[15th *July* 1828.]

WHEREAS by an Act made in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually discovering the Longitude at Sea, and encouraging Attempts to find a Northern Passage between the* Atlantic *and* Pacific Oceans, *and to approach the Northern Pole,* divers Acts therein recited, and Parts of other Acts therein mentioned, are repealed, and various other Regulations and Provisions are enacted, for the Appointment of Commissioners for the Discovery of the Longitude, and for other Purposes therein specified: And whereas another Act was passed in the Second Year of the Reign of His present Majesty, for amending the said Act of the Fifty-eighth Year of His late Majesty: And whereas it is deemed expedient to annul and repeal all the Powers and Authorities given by the said Acts; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts, and all other Acts now in force relating to the Appointment or to the Authorities and Powers of Commissioners, or to the Payment of any Reward, for the Discovery of the Longitude at Sea, or for any Invention or Proposal relating to the same, except so far as herein-after is provided, shall be and the same are hereby repealed:

58 G. 3. c. 20.

Recited Acts, and all other Acts relating to Rewards for Discovery of the Longitude at Sea, repealed.

repealed: Provided always, that nothing herein contained shall extend, or be held or deemed to extend, to revive any former Acts or Parts of Acts which by the said recited Act of the Fifty-eighth Year of His late Majesty are repealed: Provided also, that nothing herein contained shall extend to abrogate or make void any Enactment now in force for the Payment to the Commander or Commanders, Officers, Seamen, and Marines, of any Ship or Ships of His Majesty, or to the Owner or Owners of any Ship or Vessel belonging to His Majesty's Subjects, of any Reward or Rewards for the Discovery of a Northern Passage, or for approaching or attempting to approach the North Pole; provided such Ships shall have sailed from any Part of the United Kingdom before the passing of this Act.

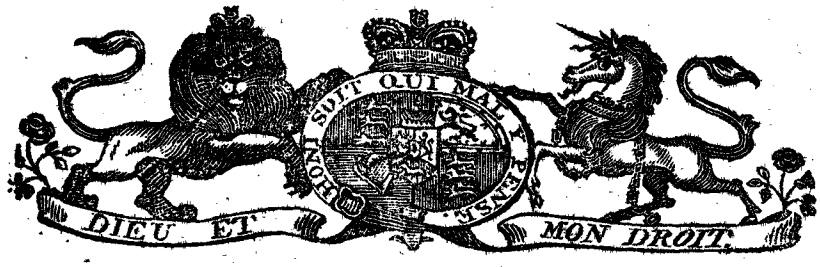
Proviso as to Rewards for the Discovery of a Northern Passage.

Lord High Admiral may authorize the Publication of the Nautical Almanack.

II. And whereas the Publication of the Nautical Almanack, constructed by proper Persons for the finding of the Longitude at Sea, is of great Importance to the Safety of Ships and Persons, and highly conducive to the general Interests of Commerce and Navigation; be it therefore enacted, That it shall and may be lawful to and for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, to cause such Nautical Almanacks, or other useful Table or Tables, which he or they shall from Time to Time judge necessary and useful in order to facilitate the Method of discovering the Longitude at Sea, to be constructed, printed, published, and vended, free of all Stamp Duty whatever, in the same Manner as the Commissioners under the said Act of the Fifty-eighth Year of His late Majesty's Reign might or could do; and that every Person who, without the special Licence and Authority of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified under the Hand of the Secretary of the Admiralty for the Time being, shall print, publish, or vend, or cause to be printed, published, or vended, any such Almanack or Almanacks, or other Table or Tables, shall, for every Copy of such Almanack or Table so printed, published, or vended, forfeit and pay the Sum of Twenty Pounds, to be recovered, with Costs of Suit, by any Person to be authorized for that Purpose by the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral aforesaid, (such Authority to be signified under the Hand of the Secretary of the Admiralty as aforesaid,) by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*; and that the Proceeds of the said Penalty, when recovered, shall be paid and applied to the Use of the Royal Hospital for Seamen at *Greenwich*.

Penalty for publishing said Almanack without such Authority.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. LXVII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine. [19th *July* 1828.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, (when disembodied,) in *Great Britain* and *Ireland*; and also for making Allowances of Reduced Pay in certain Cases to Subaltern Officers and Surgeons Mates of the Regular Militia and Miners of *Devon* and *Cornwall* in *Great Britain*, while disembodied; and also Allowances to Adjutants and Serjeant Majors of the Regular Militia, who have been or may be reduced; and to Adjutants, Surgeons, and Quartermasters, after long Service: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Secretary at War to issue the Money required for the Pay of the Regular Militia.

the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say), for the Pay of the said Regular Militia at the Rates following; (that is to say),

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem*:

For each Paymaster, in Corps consisting of Three Companies and upwards, Six Shillings *per Diem*:

For each Paymaster, in Corps consisting of Two Companies, Five Shillings *per Diem*:

For each Paymaster, in Corps consisting of One Company, Four Shillings *per Diem*:

For each Surgeon, Six Shillings *per Diem*:

For each Quartermaster, where One had been appointed in a Corps while embodied at an Establishment of not less than Three hundred and sixty Private Men, Five Shillings *per Diem*; and at an Establishment of less than Three hundred and sixty Private Men, Three Shillings *per Diem*:

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*:

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem*:

For each Quartermaster Serjeant of the Militia of *Ireland*, One Shilling and Ten-pence *per Diem*:

For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem*:

For each Serjeant doing the Duty of Quartermaster Serjeant while no Quartermaster is appointed, One Shilling and Ten-pence *per Diem*:

For each Serjeant, One Shilling and Sixpence *per Diem*:

For each Corporal, One Shilling and Two-pence *per Diem*:

For each Drum Major, where One is appointed in Corps consisting of Three or more Companies, One Shilling and Sixpence *per Diem*:

For each Drummer or Fifer, One Shilling *per Diem*:

Rates of Pay when absent on Furlough.

Provided always, That when any Serjeant, Corporal, Drummer, or Fifer shall be absent on Furlough or Licence, such Serjeant, Corporal, Drummer, or Fifer shall during such Absence receive Pay at the following Rates, instead of those above mentioned; (that is to say),

Every Serjeant Major, having been Serjeant Major of a Provisional Battalion of the Militia, Two Shillings *per Diem*:

For every Serjeant, having been a Colour Serjeant in any Provisional Battalion of the Militia, One Shilling and Sixpence *per Diem*:

For every Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Four-pence *per Diem*:

For every Quartermaster Serjeant of the Militia of *Ireland*, One Shilling and Four-pence *per Diem*:

For every Serjeant doing the Duty of Quartermaster Serjeant while no Quartermaster is appointed, One Shilling and Four-pence *per Diem*:

For every other Serjeant, the Sum of One Shilling *per Diem*:

For every Corporal, the Sum of Eight-pence *per Diem*:

For every Drum Major, where One is appointed in Corps consisting of Three or more Companies, the Sum of One Shilling *per Diem*:

And for every Drummer or Fifer, the Sum of Sixpence *per Diem*, respectively, and no more:

Clothing. And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, Quartermaster Serjeant, and Serjeant doing the Duty of Quartermaster Serjeant while no Quartermaster is appointed; Three Pounds for each Serjeant; One Pound Seventeen Shillings and Four-pence for each Corporal; Two Pounds Eighteen Shillings and Seven-pence for each Drum Major; Two Pounds Eighteen Shillings and Seven-pence for each Drummer or Fifer; and One Pound Seventeen Shillings for each Private Man; and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been notified by the Secretary at War; and that such Serjeant Majors, Quartermaster Serjeants, Drum Majors, Serjeants, Corporals, and Drummers or Fifers, who may be retained on constant Pay, and resident at Head Quarters, shall be clothed once in Two Years:

Contingent Fund. And also at the Rate of Two-pence *per* Month for each Private Man and Drummer or Fifer, for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Paymaster allowed Disembodied Pay. II. Provided always, and be it further enacted, That any Paymaster of Disembodied Militia, being either on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Regular Forces, or Navy or Marines, shall and may and he is hereby empowered to receive and take the aforesaid Rates of Disembodied Pay, (*videlicet*) Six Shillings, Five Shillings, or Four Shillings *per Diem*, as the Case may be; and the receiving and taking such Rates of Disembodied Pay as aforesaid shall not prevent such Paymaster on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay, or such Allowance; and such Paymaster shall take the following Oath before some Justice of the Peace, who is hereby empowered to administer the same:

Oath. ‘I *A. B.* do swear, That I had not between the
‘ and the any Place or Employment of Profit,
‘ Civil or Military, under His Majesty, besides my Allowance of Half
‘ Pay as a reduced in His Majesty's Army or Navy,
‘ or Marines (*as the Case may be*), save and except my Disembodied
‘ Pay of Six Shillings, Five Shillings, or Four Shillings, (*as the Case*
‘ *may be*) as Paymaster of the Militia.

And

And the taking the said Oath shall be sufficient to entitle such Paymaster to receive his Half Pay or the said Allowance, without taking any other Oath; any Law, Usage, or Custom to the contrary notwithstanding.

Residence of certain Officers to be where Arms of the Corps are kept.

III. And be it further enacted, That every Adjutant, Paymaster, Surgeon, Quartermaster, and every Non-commissioned Officer, Drummer, and Fifer, on permanent Pay of Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Arms of the Corps to which such Officers belong are kept, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant, Paymaster, Surgeon, Quartermaster, Non-commissioned Officer, Drummer, and Fifer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers, Drummers, and Fifers at the same Time, except in case of certified Sickness.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Paymaster to issue the Money for contingent Expences, on an Order signed by the Colonel.

Balance to form a Stock Purse.

IV. And be it further enacted, That the Quartermaster of each Regiment of Militia in which a Quartermaster is appointed, and when no Quartermaster is appointed, then the Paymaster, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores, under the Superintendence of the Colonel or Commandant; and the Paymaster shall, out of the Allowance of Two-pence *per* Month for each Private Man, Drummer, or Fifer, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid, he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, shewing the Balances remaining in his Hands (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps), and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Paymaster for the Application and Disposal of such Money.

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Quartermaster.

V. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept, or during any Vacancy in the Appointment of Adjutant, the Serjeants, Corporals, Drummers, and Fifers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed, then under the Command of the Paymaster; and such Quartermaster and Paymaster respectively shall render

render the same Returns, and perform such other Acts, as are by Law required from the Adjutant.

Militia, when called out for Training or Exercise, entitled to Pay.

VI. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, Fifers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of annual Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, Fifers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations; be it further enacted, That the following Allowances shall be made and paid to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held or shall hold a Commission in the Militia of *Great Britain* or *Ireland*, and was or shall be serving therein when the Corps was or shall be disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland*, which shall have been augmented during the War, and which shall have been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:
To an Ensign, Two Shillings *per Diem*:
And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem*:

Provided always, that all Officers of the Militia serving with the Rank of Captain-Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns for the Purposes of this Act; and provided always, that such Allowances shall not be received for the Days during which the Regiment, Battalion, or Corps, to which such Officers belong, is assembled for Training and Exercise.

Exceptions.

VIII. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant, Surgeon, Paymaster, or Quartermaster in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Oath to be taken to entitle to such Allowances.

IX. And be it further enacted, That the Subaltern Officers, Surgeon's Mate, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle

entitle themselves thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace in the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy, of Legation, of Consuls Abroad, in the Words or to the Effect following; (*videlicet,*)

'I *A.B.* do swear, That I belonged to the
' of Militia when the same was disembodied, and that I have continued to serve therein from that Time until the Day of
' inclusive, as a Lieutenant, Ensign, Surgeon's Mate,
' or Assistant Surgeon (*as the Case may be*); and that I was not in
' my own Right or in the Right of my Wife, during any Part of the
' Period for which I now claim to receive any Allowance, that is to
' say, from the Day of to the Day of
' both inclusive, in the actual Possession and Enjoyment or Receipt
' of the Rents and Profits of Lands, Tenements, or Hereditaments
' of such an annual Value above Reprizes as would qualify me to
' hold a Commission of Captain of a Company in the Militia; that I
' was not in Holy Orders; that I have not during the above Period
' held the Appointment of Adjutant, Surgeon, Paymaster, or Quartermaster in any Regiment, Battalion, or Corps of Militia; that I
' did not hold or enjoy, nor did any Person for me hold or enjoy,
' during the said Period, any Place, Office, or Employment of Profit,
' Civil or Military, under the Crown or any other Government, be-
' sides the Allowance of a Day now claimed, except my
' Half Pay as a of the Army, or Navy, or Marines, or of
' a Provisional Battalion formed from the Militia (*as the Case may be*),
' and any Pay and Allowances from the to the
' both Days inclusive, during which Period the Corps was
' assembled for Training and Exercise. So help me GOD.'

Which Oath so taken and subscribed shall be produced to the Paymaster of the Regiment of Militia by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Subalterns and Surgeons Mates, &c. to attend the annual Exercise, &c.

X. And be it further enacted, That every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to the Benefits of this Act, shall regularly attend the annual Exercise and Training of the Regiment, Battalion, or Corps to which he belongs, during the whole of the Time by Law appointed for that Purpose, and shall during the said Time punctually do and perform his Duty as a Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as the rest of his Pay, and every Part thereof, which may be due for the current Year in which he shall neglect or refuse to attend; and Certificates of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be furnished by the said Commanding Officer to the Paymaster of the Regiment, Battalion, or Corps of Militia to which the Officer shall belong: Provided always, that in case any such Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be

Commanding Officer may grant Leave of Absence.

permitted or suffered, for any special Cause, or unavoidable Necessity, to be absent during the Whole or any Part of such annual Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said annual Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in Certificates (in lieu of those before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster of the Regiment, Battalion, or Corps wherein such Subaltern, Surgeon's Mate, or Assistant Surgeon shall be serving.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on taking the Oath, without Certificate of Attendance.

XI. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia, after the disembodying thereof, and before the Time fixed for the Payment of the said Allowances, shall not be called out for the annual Exercise and Training thereof, every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the Description of this Act, who shall have taken and subscribed the Oath herein-before mentioned before any such Justice of the Peace as aforesaid, shall be entitled to the said Allowance as if such Subaltern Officer, Surgeon's Mate, or Assistant Surgeon had regularly attended the annual Exercise and Training of such Regiment, Battalion, or Corps, during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished to the Paymaster of the Regiment.

Paymasters to pay the Allowances on the 24th June, 24th September, and 24th December, 1828, and 24th March 1829.

XII. And be it further enacted, That upon such Oaths and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their annual Exercise as aforesaid, upon the said Oaths being produced to the respective Paymasters, it shall be lawful for such Paymasters, and they are hereby authorized and required, to pay to the said Subaltern Officers, Surgeons Mates, and Assistant Surgeons, according to their respective Commissions of Lieutenant, Ensign, Surgeon's Mate, or Assistant Surgeon, the Allowance above mentioned, for Three Months, or other proper Period, on the Twenty-fourth Day of *June* One thousand eight hundred and twenty-eight, and the other Proportions of the same on the Twenty-fourth Day of *September* One thousand eight hundred and twenty-eight, the Twenty-fourth Day of *December* One thousand eight hundred and twenty-eight, and the Twenty-fourth Day of *March* One thousand eight hundred and twenty-nine, without any Deduction whatsoever; the Oaths and Certificates before mentioned to be by them preserved and produced among the Vouchers for the Payments from Time to Time made by them in pursuance of this Act or of any Regulation made by the Secretary at War.

XIII. And

On Neglect of Attendance being certified by the Colonel or Commandant, Subalterns, &c. shall forfeit their Claim to the Allowance.

XIII. And be it further enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia entitled or claiming to be entitled to the Benefits of this Act, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong, whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon at such Times or for such Occasions as may be required of them in pursuance of the Laws now in force respecting the Militia when disembodied, each and every such Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Lord Lieutenant and Paymaster by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claims to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Supernumerary Lieutenants, &c. of any Regiment of Militia in Ireland augmented during the War, and since reduced, succeeding to any Vacancy, shall be entitled to the Pay and Allowance under this Act.

XIV. And be it further enacted, That whenever any supernumerary Lieutenant, Ensign, or Assistant Surgeon of any Regiment of Militia in *Ireland*, which shall have been augmented during War, and which shall have been reduced to its original Establishment, shall have succeeded or shall succeed to any Vacancy which shall have occurred or shall occur in any such Regiment respectively, such Lieutenant, Ensign, or Assistant Surgeon, shall, from the Time of his so succeeding, be entitled to such Pay and Allowances under this Act, and in like Manner and to the like Amount, and under the like Restrictions and Regulations, as any Lieutenant, Ensign, or Assistant Surgeon who shall have been serving on the original Establishment of such Regiment at the Time of the disembodying thereof; and such Lieutenant, Ensign, or Assistant Surgeon so succeeding shall be deemed to have belonged to such Regiment when the same was disembodied, and to have continued to have served therein from that Time, and shall in all respects, from and after his so succeeding, be subject to the Regulations in this Act contained with respect to any Lieutenant, Ensign, or Assistant Surgeon of the said Militia who shall claim and receive the Pay and Allowances under this Act.

Allowance not to be paid while the Militia is embodied.

XV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or ordered out on actual Service.

Persons being on Half Pay or entitled to Allowance as having served in the Army or Navy, empowered, if serving in the Militia, to receive the Pay and Allow-

XVI. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance, as having served in any of His Majesty's Forces, or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer,

Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance; and such Person shall take the following Oath before some Justice of the Peace, who is hereby empowered to administer the same: Allowances hereby directed to be paid, on taking the following Oath.

'I *A. B.* do swear, I had not between the and the any Place or Employment of Profit, Civil or Military, under His Majesty, besides my Allowance of Half Pay as a reduced in His Majesty's Army, or Navy, or Marines, [*as the Case may be,*] save and except my Pay or Allowance as a Field Officer, Captain, Lieutenant, Ensign, Adjutant, Paymaster, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, while assembled for Training and Exercise, [*as the Case may be,*] for serving in the Militia of the County of ; and that I was not in Holy Orders.'

And the taking the said Oath shall be sufficient to entitle such Person to receive his Half Pay or the said Allowance, without taking any other Oath; any Law, Usage, or Custom to the contrary notwithstanding.

XVII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, Fifer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pensions or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance of Two Shillings and Sixpence or Two Shillings a Day granted by this Act to Subalterns, Surgeons Mates, or Assistant Surgeons, when disembodied. Adjutants, &c. Non-commissioned Officers or Privates, not to lose their Right to Chelsea Pensions, &c.

XVIII. And be it further enacted, That there shall be granted to the Surgeon of each Regiment of Regular Militia, when disembodied, a Sum of Money in addition to his Pay, after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for annual Exercise or Training; and also an Allowance of Sixpence *per* Month for each of the Non-commissioned Officers, Drummers, and Fifers of each Regiment on constant Pay at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers, Drummers, and Fifers while such Regiment is not called out for annual Training and Exercise. Allowance to be made to Surgeons for Medicines in addition to their Pay.

XIX. And be it further enacted, That every Adjutant of Regular Militia who shall have been appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall have served faithfully, either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Twenty Adjutants appointed before Dec. 24, 1814, entitled to receive, after a Service of

20 Years, and unfit for further Service, an Allowance of 8s. per Day, provided they do not hold certain other Appointments.

Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, who shall have been or shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid, who shall hold any Military Office or Employment of Profit under His Majesty, or any Civil Office or Employment under His Majesty the annual Profits or Emoluments of which shall exceed Three Times the Amount of the said Allowance of Eight Shillings a Day: Provided always, that any Adjutant who shall have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster shall be and he is hereby authorized to pay to such Person, an Allowance at the Rate of Six Shillings a Day, subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out Pension by reason of receiving such Allowance as aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Adjutants appointed since Dec. 24, 1814, entitled to receive, after 30 Years Service, &c. an Allowance of 6s. per Day.

Right to Half Pay reserved.

Quartermasters, after a Service of 30 Years, and unfit for further Service, entitled to an Allowance at the Rate of their Pay in the disembodied Militia.

XX. And be it further enacted, That any Quartermaster of Regular Militia who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been as a Quartermaster of Regular Militia, and who shall have been or shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and obtaining from the Secretary at War an Order founded upon such Certificate, be entitled to receive, and the Paymaster of the Regiment shall be and is hereby authorized to pay to such Person, an Allowance at the Rate of his Pay when serving in the disembodied Regular Militia: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty, or any Civil Office or Employment under His Majesty the annual Profits or Emoluments of which shall exceed Three Times the Amount of the said Allowance: Pro-

Proviso.

vided also, that no such Quartermaster shall, by reason of receiving such Allowance as aforesaid, forfeit any Right which he may have to Half Pay or Out Pension, but shall be entitled to receive such Half Pay or Out Pension as well as such Allowance. Right to Half Pay reserved.

XXI. And be it further enacted, That if any Surgeon of Regular Militia, having faithfully served in His Majesty's Regular Forces or in the Militia for the full Term of Twenty Years, shall by Age or Infirmity be rendered unfit for further Service, he shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years in the whole (Ten of which he shall have served as a Surgeon of Militia), from the Commanding Officers of the different Corps to which he shall have belonged, and obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster of the Regiment shall be and he is hereby authorized and required to pay to such Person, an Allowance at the Rate of Six Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty, or any Civil Office or Employment under His Majesty the annual Profits or Emoluments of which shall exceed Three Times the Amount of the said Allowance of Six Shillings a Day; but no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled. Surgeons, after a Service of 20 Years, and unfit for further Service, to receive 6*s.* per Day. Proviso. Right to Half Pay reserved.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined, or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as has actually served as Adjutant to such Regiment, Battalion, or Corps, from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, as the Case may be, to the Twenty-fourth Day of *March* One thousand eight hundred and twenty-nine: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid, who shall hold any Military Office or Employment of Profit under His Majesty, or any Civil Office or Employment under His Majesty the annual Profits and Emoluments of which shall exceed Three Times the Amount of the said Allowance of Four Shillings a Day; but no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance. Reduced Adjutants to receive 4*s.* per Day till March 24, 1829. Proviso. Right to Half Pay reserved.

XXIII. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced, under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty, which Allowance has been continued, and as to such Adjutants augmented to Four Shillings *per Diem*; be it therefore enacted, That all Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight to the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, to be issued and paid to them under the Direction of the Secretary at War.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XXIV. And be it further enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts, or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or any Civil Office or Employment under His Majesty the annual Profits and Emoluments of which shall exceed Three Times the Amount of such reduced Allowance.

Proviso.

Money for Pay, &c. to be issued under the Directions of the Secretary at War.

XXV. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, Allowances, and contingent and other Expences for the Regular Militia when disembodied as aforesaid, shall be issued and paid under the Direction of the Secretary at War, according to such Regulations as have been or shall be established on that Head.

Allowances to Clerks of General and Subdivision Meetings in England.

XXVI. And be it further enacted, That in every County in *England* and *Wales* where the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and to the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces of the* Tower Hamlets *in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon*, for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the*

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for raising a Body of Miners in the Counties 'of Cornwall *and* Devon, *for the Defence of the Kingdom during the 'present War;' and for the more effectually raising and regulating a Body of Miners for the Defence of* Great Britain, and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised, Allowances shall also be made to the Clerks of General Meetings, and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia; and be it therefore enacted, That the said Allowances shall be granted as follows; (*videlicet,*) the Amount thereof shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*, to the Secretary at War, who is hereby empowered to issue these Allowances according to the Rates specified in the Table to this Act annexed, marked (A.), or such Sums as he shall think reasonable and proper; and the aforesaid Clerks of General Meetings and Clerks of Subdivision Meetings, Schoolmasters, Constables, and other Officers, shall transmit to the Secretary at War the Accounts, Returns, and Orders upon which they claim the aforesaid Allowances, in order that the Secretary at War may give the necessary Directions for the Payment thereof.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

XXVII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity; be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, the Surgeon of any Regiment, Battalion, or Corps of Militia, to attend at any Subdivision Meeting held for hearing Appeals, at any Place specified by such Deputy Lieutenants, and not being more than Ten Miles from the Head Quarters of the Regiment to which such Surgeon belongs, in order that such Surgeon may examine into the Validity of all such Appeals; and in case there shall not be any such Surgeon of the Militia within the Distance above mentioned, then to summon in like Manner for that Purpose any other competent Surgeon; and every such Surgeon of Militia or other Surgeon shall, before he begins any such Examination, take the Oath prescribed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws relating to the Militia of* Great Britain, which Oath any Deputy Lieutenant is hereby authorized to administer; and every such Surgeon shall receive

Deputy Lieutenants may summon Surgeons on Appeals of Exemption.

55 G. 3. c. 65.

for such Attendance at any such Meeting, without any other Fee or Reward whatever, the same Allowances as are directed by the said recited Act to be paid to Surgeons of Militia or other Surgeons for attending at Subdivision Meetings held for Enrolment of Men to serve in the Militia: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be claimed shall be transmitted to the Secretary at War at the several Periods specified in the Table to this Act annexed, in order that the Secretary at War may give the necessary Directions for the Payment thereof.

Accounts to be certified on Oath.

XXVIII. And be it further enacted, That the Accounts of the Clerks of General and Subdivision Meetings of Lieutenancy, Schoolmasters, Constables, and other Officers, shall invariably be inserted in the following Manner; *videlicet*, the Account of the Clerk of General Meetings by the Lord Lieutenant or by Three Deputy Lieutenants, and the Accounts of the Clerks of Subdivision Meetings by Two of the Deputy Lieutenants under whom they act; and the said Clerks of General and Subdivision Meetings, Schoolmasters, Constables, and other Officers, shall likewise make Oath to the Justness of them, in the following Form, before some Justice of the Peace:

'I (Clerk, Schoolmaster, Constable, &c.), acting in the District of in the Shire, County, or Stewartry of do hereby solemnly certify and swear, That the preceding (*a General Clerk's Oath to be qualified thus*, 'in as far as I have any Interest therein') is a just and true Account of Business performed by me, for and in behalf of the Public Service, according to the Manner therein set forth; that I was employed during the full Time therein stated; and that the Sums claimed as disbursed were well and truly paid out by me; and this is Truth.

'So help me GOD.'

'Sworn at before this Day of '

Bills drawn for Pay, &c. may be on unstamped Paper.

XXIX. And be it further enacted, That all Bills, Drafts, and Orders drawn for the Pay or Allowances of the Regular Militia when disembodied under this Act, may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXX. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXI. And be it further enacted, That the Hire or Cost of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the permanent Staff belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, (that is to say,) of the Paymaster, Adjutant, Surgeon, and Quartermaster thereof, shall be defrayed by the County; and the necessary Sum for that Purpose shall be raised by the Presentment of the Grand Jury of the

said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or in the Absence of such Chief Secretary by the Under Secretary for the Military Department, and specifying the Costs incurred or to be incurred in building such House or Place, or the Rent agreed to be paid for the same, or both Costs and Rent; which Certificate shall be transmitted by such Chief Secretary to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term; provided that in no Case any greater Rent than Forty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such Place, nor a greater Sum than Two hundred Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be required for building such House, save only in such Cases wherein the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall think proper specially to permit or order a greater Rent or Sum, and then not more than One hundred Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* yearly, net, exclusive of Taxes and Repairs, or a Sum of Five hundred Pounds Currency of the United Kingdom of *Great Britain* and *Ireland*; such Permission or Order to be certified to the Clerk of the Crown by the Chief Secretary, or in his Absence the Under Secretary for the Military Department: Provided also, that the Grand Juries of such Counties shall be entitled to purchase Ground for building and erecting such House, in the same Manner as they are now by Law entitled to purchase Ground for building County Gaols.

Provision as to Amount of Rent, &c.

XXXII. And whereas the Sums heretofore allowed to be presented for such Purposes have been in some Instances found quite insufficient, and therefore larger Sums have been expended, or larger Rents agreed for, or both; and it is expedient and reasonable that such extra Expences should be defrayed in manner aforesaid; be it therefore enacted, That in all Cases in which the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall deem any such Agreement or Expenditure to have been proper and necessary, and that the same shall be so certified to the Clerk of the Crown in manner aforesaid, it shall and may be lawful to and for the Grand Jury of the County to present the same, to be raised in the same Manner in all respects as they could or might do under this Act, in case of an Agreement or Expenditure under or in pursuance of a previous Permission or Order made under this Act.

Extra Expences for providing Places for depositing Arms and Stores of Militia of Ireland to be paid.

XXXIII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being (if he or they shall see sufficient Cause for so doing), to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment or Battalion of the said Militia, shall, at any Time while such Regiment or Battalion shall not be embodied or in actual Service,

Lord Lieutenant may order the Arms of Militia of Ireland to be deposited in the Ordnance Stores in Dublin.

Service, be conveyed to and deposited and kept in any of His Majesty's Ordnance Stores in the City of *Dublin*, or to and in any such Ordnance Store, or to and in any other Place of Security in any other Part in *Ireland*, as he or they shall from Time to Time order or direct, and under such Rules and Regulations as he or they shall think fit and proper in that Behalf.

Recovery of Penalties and Costs in Ireland.

XXXIV. And be it further enacted, That all Penalties and Costs and Charges of Suit, and all Sums of Money for which any Person or Persons is or are or may be made answerable or liable under or by virtue of this Act in relation to the Militia of *Ireland*, shall be the Currency of the United Kingdom of *Great Britain* and *Ireland*, and shall be recovered in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, Privilege, or Protection, nor more than One Imparlance, shall be allowed.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXV. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and Independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively and severally repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Continuance of Act.

XXXVI. And be it further enacted, That this Act shall continue in force until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine.

TABLE

TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into Execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES to the CLERKS of GENERAL MEETINGS.	£	s.	d.
1. For Trouble in calling a General Meeting by circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, to return Lists, each - - - - - - - - - -	0	0	6
4. For writing the annual Advertisement for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the parochial Lists and hearing Appeals - - - - - - - - -	0	7	6
5. For arranging Subdivision Lists, and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War, the latter Copy to be annexed to the Clerk's Accounts as a Voucher; videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - - - 401 to 600 Men - -	4	4	0
Ditto - - - - 601 to 800 Men - -	5	5	0
Ditto - - - - 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - - from 201 to 400 Men -	2	2	0
Ditto - - - - from 401 to 600 Men -	3	3	0
Ditto - - - - from 601 to 800 Men -	4	4	0
Ditto - - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment (Schedule E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - - - - -	0	15	0
Ditto - - Two - Ditto - -	1	10	0
Ditto - - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks of those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under - - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, &c. certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.			
12. For filling up printed Notices to the Clerks of Subdivision Meetings, of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - - -	1	0	0
In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps - -	2	0	0
Ditto - - Two - Ditto - -	3	0	0
Ditto - - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing the Advertisement - - - - - -	0	5	0
Or, for calling a Meeting by circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present, vizt. For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, &c. when necessary to be done; and also, for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists - - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenants - - - - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - - - - - - - -	0	0	6
And, for filling up printed Precepts to the Schoolmasters, Chief Constables, Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the Ballot, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - - - - - - -	£2 per 1,000.		
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - 50 Men and under - - - -	2	2	0

	£	s.	d.
From 51 to 150 Men - - - -	3	3	0
From 151 to 250 Men - - - - -	4	4	0
From 251 Men and upwards - - - -	5	5	0
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County, vizt.			
For a Roll containing 50 Names and under - -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - - -	0	15	0
from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions, vizt.			
For a Subdivision furnishing 50 Men and under -	1	10	0
from 51 to 150 Men - - -	2	0	0
from 151 to 250 Men - - -	2	10	0
from 251 Men and upwards - -	3	0	0
21. For Correspondence and Copyings to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions, vizt.			
For a Subdivision furnishing 50 Men and under -	2	0	0
from 51 to 150 Men - - -	3	0	0
from 151 to 250 Men - - -	4	0	0
from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, &c. within the Limits of the Subdivision, the various Forms of Schedules, &c.			
For a Subdivision furnishing 50 Men and under -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - - -	0	15	0
from 251 and upwards - - -	1	0	0
TRAINING AND EXERCISE.			
24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - - -	0	15	0
from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled, to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
from 11 to 30 Names - - -	0	1	0
from 31 to 50 Names - - -	0	2	6
from 51 to 70 Names - - -	0	4	0
from 71 to 100 Names - - -	0	7	0
from 100 upwards - - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	6
from 21 to 50 Names - - - -	0	5	0
from 51 to 150 Names - - -	0	10	0
from 151 to 250 Names - - - -	0	15	0
from 251 and upwards - - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
from 51 to 150 Men - - -	0	10	0
from 151 to 250 Men - - -	0	15	0
from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day, consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio, consisting of Sixty Lines - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day, consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio, consisting of Sixty Lines - - - - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES, applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expence of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's Annual Account.

38. The Expence necessarily incurred for the Use of a Room at the Place of Meeting, to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXVIII.

An Act to amend an Act of the Fifth Year of His present Majesty, for amending the Laws of Excise relating to Retail Brewers. [19th *July* 1828.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to repeal the Duties on Licences to brew and to retail Beer, Spirituous Liquors, and Foreign Wine, and to grant other Duties in lieu thereof, and amend the Laws of Excise relating to such Duties, and to Brewers and Retailers of Beer*, it is enacted, that no licensed Brewer of Beer for Sale, who shall also be duly licensed to retail such Beer under this Act, shall sell, deliver, or send out at or from his, her, or their Brewery, or the Premises belonging thereto, or entered as aforesaid in the said Act, or to any of his, her, or their Customers, any Beer in any Quantity less than a whole Barrel, except between the Hours of Six of the Clock in the Morning and Nine of the Clock in the Evening, or shall sell, deliver, or send out any Beer during the usual Hours of Divine Service on *Sundays*, upon pain of forfeiting for each and every such Offence the Sum of Twenty Pounds: And whereas it is expedient that the Time during which such Brewers shall be allowed to sell Beer should be extended; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament 5 G. 4. c. 54.

Brewers licensed under the recited Act may sell Beer between the Hours of Four in the Morning and Ten in the Evening.

Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any such Brewer as in the said Act is in that Behalf mentioned to sell Beer by Retail as aforesaid, at or from his, her, or their Brewery, or other Premises entered by such Brewer for that Purpose as in the said Act is provided, between the Hours of Four of the Clock in the Morning and Ten of the Clock in the Evening, subject nevertheless in all other respects to the several Rules, Regulations, and Restrictions by and in the said Act enacted and contained.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXIX.

An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game. [19th *July* 1828.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for Prevention of Persons going armed by Night for the Destruction of Game; and for repealing an Act made in the last Session of Parliament, relating to Rogues and Vagabonds:* And whereas the Practice of going out by Night for the Purpose of destroying Game has nevertheless very much increased of late Years, and has in very many Instances led to the Commission of Murder, and of other grievous Offences; and it is expedient to repeal the said recited Act, and to make more effectual Provisions than now by Law exist for repressing such Practice: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, except so far as the same repeals any other Acts; and if any Person shall, after the passing of this Act, by Night, unlawfully take or destroy any Game or Rabbits in any Land, whether open or inclosed, or shall by Night unlawfully enter or be in any Land, whether open or inclosed, with any Gun, Net, Engine, or other Instrument, for the Purpose of taking or destroying Game, such Offender shall, upon Conviction thereof before Two Justices of the Peace, be committed for the First Offence to the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months, there to be kept to hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, or in *Scotland* by Bond of Caution, himself in Ten Pounds, and Two Sureties in Five Pounds each, or One Surety in Ten Pounds, for his not so offending again for the Space of One Year next following; and in case of not finding such Sureties, shall be further imprisoned and kept to hard Labour for the Space of Six Calendar Months, unless such Sureties are sooner found; and in case such Person shall so offend a Second Time, and shall be thereof convicted before Two Justices of the Peace, he shall be committed to the Common Gaol or

57 G. 3. c. 90.

Recited Act repealed.

Persons taking or destroying Game by Night to be committed, for the 1st Offence, for 3 Months, and kept to hard Labour, and to find Sureties;

2d Offence, 6 Months, and kept to hard Labour, and to find Sureties;

or House of Correction for any Period not exceeding Six Calendar Months, there to be kept to hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, or Bond as aforesaid, himself in Twenty Pounds, and Two Sureties in Ten Pounds each, or One Surety in Twenty Pounds, for his not so offending again for the Space of Two Years next following; and in case of not finding such Sureties, shall be further imprisoned and kept to hard Labour for the Space of One Year, unless such Sureties are sooner found; and in case such Person shall so offend a Third Time, he shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond Seas for Seven Years, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Term not exceeding Two Years; and in *Scotland*, if any Person shall so offend a First, Second, or Third Time, he shall be liable to be punished in like Manner as is hereby provided in each Case.

3d Offence, to be liable to Transportation.

Owners or Occupiers of Land, Lords of Manors, or their Servants, may apprehend Offenders.

II. And be it enacted, That where any Person shall be found upon any Land committing any such Offence as is herein-before mentioned, it shall be lawful for the Owner or Occupier of such Land, or for any Person having a Right or reputed Right of Free Warren or Free Chase thereon, or for the Lord of the Manor or reputed Manor wherein such Land may be situate, and also for any Gamekeeper or Servant of any of the Persons herein mentioned, or any Person assisting such Gamekeeper or Servant, to seize and apprehend such Offender upon such Land, or in case of Pursuit being made, in any other Place to which he may have escaped therefrom, and to deliver him, as soon as may be, into the Custody of a Peace Officer, in order to his being conveyed before Two Justices of the Peace; and in case such Offender shall assault or offer any Violence with any Gun, Crossbow, Fire Arms, Bludgeon, Stick, Club, or any other offensive Weapon whatsoever, towards any Person hereby authorized to seize and apprehend him, he shall, whether it be his First, Second, or any other Offence, be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond Seas for Seven Years, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Term not exceeding Two Years; and in *Scotland*, whenever any Person shall so offend, he shall be liable to be punished in like Manner.

Offenders assaulting or offering Violence deemed guilty of Misdemeanor, and liable to be transported for Seven Years, or imprisoned for 2 Years.

Power to issue a Warrant for Apprehension of Offenders.

III. And be it further enacted, That where any Person shall be charged on the Oath of a credible Witness, or in *Scotland* on the Application of the Procurator Fiscal of Court, before any Justice of the Peace, with any Offence punishable upon summary Conviction by virtue of this Act, the Justice may issue his Warrant for apprehending such Person, and bringing him before Two Justices of the Peace, to be dealt with according to Law.

Limitation of Time for Proceedings under this Act.

IV. And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Six Calendar Months after the Commission of the Offence; and the Prosecution for every Offence punishable upon Indictment, or otherwise than upon summary Conviction, by virtue of this Act, shall be commenced within Twelve Calendar Months after the Commission of such Offence.

V. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case may require; that is to say, Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* Riding, Division, Liberty, City, *&c. as the Case may be,*] *A.O.* is convicted before us, [*naming the Justices,*] Two of His Majesty's Justices of the Peace for the said County, [*or* Riding, *&c.*] for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be, and on a Second Conviction state the First Conviction*]; and we the said Justices adjudge the said *A.O.* for his said Offence to be imprisoned in the and there kept to hard Labour for the Period of and at the Expiration of such Period to find Sureties, by Recognizance, or Bond of Caution in *Scotland*, himself in the Sum of Ten Pounds, and Two Sureties in the Sum of Five Pounds each, or One Surety in the Sum of Ten Pounds, conditioned that he the said *A.O.* shall not so offend again for the Space of One Year next following; and we further adjudge the said *A.O.*, in case he shall not find such Sureties as aforesaid, to be further imprisoned and kept to hard Labour for the Space of Six Calendar Months, unless such Sureties shall be sooner found. Given under our Hands, the Day and Year first above mentioned.'

VI. And be it further enacted, That any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden, not less than Twelve Days after the Day of such Conviction, for the County, Riding, or Division wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or within such Three Days enter into a Recognizance, or Bond of Caution in *Scotland*, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and upon such Notice being given, and such Recognizance or Bond being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded; and shall, if necessary, issue Process for enforcing such Judgment. Appeal.

VII. And be it further enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari, or otherwise, into any of His Majesty's Superior Courts of Record, or in *Scotland* by Advocation or No Certiorari, &c.

or Suspension into any Superior Court; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions and registered, and may be given in Evidence.

VIII. And be it enacted, That on every Conviction under this Act for a First or Second Offence the convicting Justices shall return the same to the next Quarter Sessions for the County, Riding, Division, City, or Place wherein such Offence shall have been committed; and the Record of such Conviction, or any Copy thereof, shall be Evidence in any Prosecution to be instituted against the Party thereby convicted for a Second or Third Offence; and the Clerk of the Peace shall immediately on such Return make or cause to be made a Memorandum of such Conviction in a Register to be kept by him of the Names and Places of Abode of the Persons so convicted, and shall state whether such Conviction be the First or Second Conviction of the offending Party.

If Persons to the Number of Three, being armed, enter any Land for the Purpose of taking or destroying Game, &c. they shall be deemed guilty of a Misdemeanor.

IX. And be it enacted, That if any Persons, to the Number of Three or more together, shall by Night unlawfully enter or be in any Land, whether open or inclosed, for the Purpose of taking or destroying Game or Rabbits, any of such Persons being armed with any Gun, Crossbow, Fire Arms, Bludgeon, or any other offensive Weapon, each and every of such Persons shall be guilty of a Misdemeanor, and being convicted thereof before the Justices of Gaol Delivery, or of the Court of Great Sessions of the County or Place in which the Offence shall be committed, shall be liable, at the Discretion of the Court, to be transported beyond Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned and kept to hard Labour for any Term not exceeding Three Years; and in *Scotland* any Persons so offending shall be liable to be punished in like Manner.

Jurisdiction of Sheriffs in Scotland.

Proving of Convictions.

X. And be it enacted, That in *Scotland* the Sheriff of the County within which the Offence shall have been committed shall have a cumulative Jurisdiction with the Justices of the Peace in regard to the same; and the Conviction in *Scotland* may be proved in the same Manner as a Conviction in any other Case according to the Law of *Scotland*.

Third Offences, &c. to be tried in certain Courts.

XI. And be it enacted, That in all Cases in *Scotland* of a Third Offence, or in other Cases in *Scotland* where a Sentence of Transportation may, by the Provisions of this Act, be pronounced, the Offender shall be tried before the High Court or Circuit Court of Justiciary.

What Time shall be considered Night.

XII. Provided always, and be it enacted, That for the Purposes of this Act the Night shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

What shall be deemed Game.

XIII. And be it enacted, That for the Purposes of this Act the Word "Game" shall be deemed to include Hares, Pheasants, Partridges, Grouse, Heath or Moor Game, Black Game, and Bustards.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXX.

An Act to alter and enlarge the Powers of an Act passed in the Seventh Year of the Reign of His present Majesty, for extending to *Charing Cross*, the *Strand*, and Places adjacent, the Powers of an Act for making a more convenient Communication from *Mary-le-bone Park*, and for enabling the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Scite of *Carlton Palace*; and for other Purposes relating thereto.

[19th *July* 1828.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to extend to* Charing Cross, *the* Strand, *and Places adjacent, the Powers of an Act for making a more convenient Communication from* Mary-le-bone Park, *and to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Scite of* Carlton Palace, it was amongst other Things enacted, that it should be lawful for the Commissioners for executing that Act, by and with the Consent and Approbation in Writing of the Lord High Treasurer, or 7 G. 4. c. 77.

of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, absolutely to sell and dispose of all or any Part of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to His Majesty, His Heirs or Successors, in the Lines of the Streets and Places respectively to be erected and built, altered, repaired, and improved, under or by virtue of the now-reciting Act, or which should be purchased or acquired as therein mentioned, and should not be wanted for the Purposes of the now-reciting Act; and also to convey in exchange, with such Consent and Approbation as aforesaid, all or any Part of the Houses, Buildings, Lands, Tenements, or Hereditaments of or belonging to His Majesty, His Heirs or Successors, situate within any or either of the Parishes through which the said Streets and Places respectively to be erected and built, altered, stopped up, repaired, or improved, under or by virtue of the now-reciting Act, extend, or which should have been purchased and taken in exchange under the Authority of the now-reciting Act, and which should not be wanted for the Purposes of the said Act, in lieu of and in exchange for any other Houses, Buildings, Lands, Tenements, and Hereditaments which should be wanted for the Purposes of that Act, or with a View to the Acquisition by Exchange of any other Houses, Buildings, Lands, Tenements, and Hereditaments which might be required for the immediate Purposes of the said Act: And whereas it is expedient, the better to effectuate the Purposes of the said in part recited Act, that the said recited Power of Sale and Exchange thereby given to the Commissioners for executing the said Act should be altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners acting in execution of the said in part recited Act, by and with the Consent and Approbation in Writing of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, absolutely to sell and dispose of all or any Part of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to His Majesty, His Heirs or Successors, situate, lying, and being in any or either of the several Parishes and Places within the Bills of Mortality, or any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or acquired under the Powers of the said in part recited Act or of this Act, (and shall not be wanted for the Purposes of the said recited Act); and also to convey in exchange, with such Consent and Approbation as aforesaid, all or any Part of the said Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to His Majesty, His Heirs or Successors, situate, lying, and being in any or either of the several Parishes and Places within the Bills of Mortality aforesaid, or which shall have been purchased or taken in exchange under the Powers of the said in part recited Act or of this Act, and which shall not be wanted for the Purposes of the said in part recited Act, in lieu of and in exchange for any other Houses, Buildings, Lands, Tenements, or Hereditaments which shall be

Commissioners empowered to sell Houses, &c. belonging to His Majesty, within the Bills of Mortality;

or to exchange them for Houses, &c. required for Purposes of recited Act.

wanted for the Purposes of the said in part recited Act, or which it shall be deemed expedient to obtain with a View to the Acquisition by Exchange of any other Houses, Buildings, Lands, Tenements, and Hereditaments which may be required for the immediate Purposes of the said in part recited Act.

Commissioners may agree for Receipt of Money for equalizing an Exchange.

II. And be it further enacted, That it shall be lawful for the said Commissioners acting in execution of the said in part recited Act to agree, on behalf of His Majesty, His Heirs or Successors, for the Receipt or Payment of any Sum of Money for equalizing any Exchange to be made under the Authority of the said last-mentioned Act or of this Act.

Conveyances and Exchanges to be in the Form prescribed by 53 G. 3. c. 121.

III. And be it further enacted, That all Conveyances and Exchanges which shall be made, under the Authority of this Act, by the said Commissioners for executing the said in part recited Act, of any Houses, Buildings, Lands, Tenements, or Hereditaments hereby authorized to be sold or conveyed in exchange, may be made according to the Forms set forth in the Schedule annexed to an Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making a more convenient Communication from* Mary-le-bone Park *and the Northern Parts of the Metropolis in the Parish of* Saint Mary-le-bone *to* Charing Cross *within the Liberty of* Westminster, *and for making a more convenient Sewage for the same*, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances and Exchanges shall be good, valid, and effectual, any Provisions, Restrictions, or Clauses contained in any Act or Acts relating to His Majesty's Land Revenue, or to any Property under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or any Practice, Custom, or Usage, to the contrary thereof in anywise notwithstanding.

Powers of recited Act, with respect to Sales and Exchanges, extended to this Act.

IV. And be it further enacted, That all the Powers and Provisions contained in the said in part recited Act of the Seventh Year of the Reign of His present Majesty, with respect to Sales and Exchanges under the Authority of that Act, shall be and the same are hereby extended to Sales and Exchanges under the Authority of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been hereby specially repeated and re-enacted with reference to the said Sales and Exchanges under the Authority of this Act.

So much of 7 G. 4. as relates to Removal of Remains of Persons from Graves, &c. repealed.

V. And whereas it was by the said in part recited Act of the Seventh Year of the Reign of His present Majesty, amongst other Things, further enacted, that it should be lawful for the said Commissioners acting in the Execution of the said Act to take or use, for the Purposes of the said Act, so much of the Burial Ground in the Parish of *Saint Martin-in-the-Fields* as lay on the South Side of the Church as might be required for the Purpose, and the Ground so taken, and the Fee Simple and Inheritance thereof, should be and were thereby vested in the King's Majesty, His Heirs and Successors,

for

for the Purposes of the said Act; and it was further enacted, that whenever it should be necessary, in pursuance and execution of the said in part recited Act, to open or disturb any Grave or Graves, or any Burial Vault or Vaults, in the said present Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it should be lawful for the Heirs, Executors, Administrators, Relations, or Friends of any Person or Persons who should have been interred or deposited in such Grave or Graves, Vault or Vaults, with the Consent of the Vicar and Churchwardens of the said Parish, or the major Part of them, to remove and carry away the Remains of any such Person or Persons, and place the same in such new Burial Ground as therein mentioned, or any other Churchyard or consecrated Ground, in such Manner as the Lord Bishop of *London* for the Time being, or such Person as he might appoint, should direct; and that the Expences of such removing, carrying away, and placing (not exceeding in any one Case the Sum of Ten Pounds) should be paid, by the said Commissioners acting in the Execution of the said in part recited Act, out of the Monies to be applied for the Purposes of the said Act; and that the Remains of such Person or Persons as should have been interred or deposited in the Graves or Vaults so to be opened and disturbed as aforesaid, which should not be removed or carried away as aforesaid, should (except such Graves or Vaults should be finally closed up), at the Expence of the said Commissioners acting in the Execution of the said Act, to be paid out of the Monies to be raised by virtue of the said Act, be removed from such Graves or Vaults into and be interred in such new Burial Ground as aforesaid, in such Manner as the Lord Bishop of *London* for the Time being, or such Person or Persons as he should appoint, should direct: And whereas in order to facilitate the Removal of the Remains of the various Persons who have been interred or deposited in the Graves or Vaults of the present Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it is expedient, and would be of great Saving to the Public, if the said Powers given by the said in part recited Act for the Removal of such Remains as aforesaid were repealed, and such new Provisions made in respect thereof as herein-after is mentioned; be it therefore enacted, That from and after the passing of this Act so much of the said in part recited Act as relates to the Removal of the Remains of the various Persons who have been interred or deposited in the Graves or Vaults of the said Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church as aforesaid, shall be and the same is hereby repealed.

Commissioners empowered to remove Remains of Persons from the Burial Ground of St. Martin's.

VI. And be it further enacted, That whenever, at any Time after the passing of this Act, it shall be necessary, in pursuance and execution of the said in part recited Act, to open or disturb any Grave or Graves, or any Burial Vault or Vaults, in the said Burial Ground of the Parish of *Saint Martin-in-the-Fields*, on the South Side of the said Church aforesaid, it shall be lawful for the said Commissioners acting in the Execution of the said recited Act, with the Consent of the Vicar and Churchwardens for the Time being of the said Parish

of

of *Saint Martin-in-the-Fields*, or the major Part of them, to remove and carry away the Remains of any such Person or Persons as shall have been interred or deposited in such Grave or Graves, Vault or Vaults, and place the same either in such new Burial Ground as by the said in part recited Act the said Commissioners are empowered and required to provide, or in any other Churchyard or consecrated Ground, in such Manner as the Lord Bishop of *London* for the Time being, or such Person or Persons as he may appoint, shall direct; and that the Expences of such removing, carrying away, and placing, (not exceeding in any one Case the Sum of Ten Pounds,) shall be paid by the said Commissioners acting in the Execution of the said in part recited Act, out of the Monies to be applied for the Purposes of the said Act.

For removing Doubts as to the Power of Commissioners of Woods and Forests to contract with any Persons holding Houses, &c. belonging to the Crown by Lease, for the Purchase of such Lease.

VII. And whereas by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to contract for the Purchase and Surrender of Crown Leases, and to sell His Majesty's Interest in the* Thornhill *Estate in the Parish of* Stallbridge *in the County of* Dorset, *and in certain small Parcels of Land belonging to His Majesty's Subjects within the Royal Forests; and to remove Doubts as to Estates of the Crown, sold by Order of the said Commissioners, being exempted from the Auction Duty*; it was (amongst other Things) enacted, that it should be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, by and with the Approbation and Consent of the Lord High Treasurer or any Three or more of the Lords Commissioners of His Majesty's Treasury for the Time being, to contract and agree with any Body or Bodies Politic or Corporate, or any Person or Persons, holding any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, for any Term or Terms of Years, under any Letters Patent, Lease, Demise, or Grant from His Majesty or any of His Royal Predecessors, for the Purchase of any such Term, or the Surrender of any such Terms, and such Letters Patent, Lease, or Grant, whether the Possession of the Houses, Buildings, Lands, or Hereditaments comprised in any such Term or Terms, Letters Patent, Lease, or Grant, were wanted for the Public Service, or should or might be required with a view to the making any Alterations or Improvements therein, or in any other Houses, Buildings, or Hereditaments belonging to the Crown, near or contiguous thereto, or for any other Purpose, if the same should, by any Three or more of the Commissioners of His Majesty's Treasury for the Time being, be deemed eligible to be purchased or bought up for any such Purpose, and to pay the Price or Consideration agreed to be paid for the same out of any Money which had arisen or which might thereafter arise from the Sale of any Property belonging to the Crown, under the Management or Controul of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues; and in the said Act are contained various Provisions with respect to such Purchases and Surrenders: And whereas Doubts have been entertained whether the Commissioners for the Time being of His Majesty's Woods, Forests,

and Land Revenues were by the said Act authorized to contract and agree for the Purchase or Surrender of any Lease granted by His present Majesty; and also, whether Leases of Houses, Buildings, Lands, or Hereditaments belonging to His Majesty, executed by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Authority of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to improve the Land Revenues of the Crown, and of His Majesty's Duchy of* Lancaster, *and for making Provisions and Regulations for the better Management thereof,* were Leases from His Majesty within the true Intent and Meaning of the said Act; and it is desirable that such Doubts should be removed; be it therefore further enacted and declared, That the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues were by the said Act empowered from Time to Time or at any Time, with such Approbation and Consent as therein mentioned, to contract and agree with any Body or Bodies Politic or Corporate, or any Person or Persons, holding at the Time of any such Contract or Agreement being entered into any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, for any Term or Terms of Years, under any Letters Patent, Lease, Demise, or Grant from the King for the Time being of the United Kingdom, or any of His Royal Predecessors, or under any Demise from the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, under the said recited Act of the First and Second Years aforesaid, for the Purchase or Surrender of any such Term or Terms.

1 & 2 G. 4. c. 52.

So much of Act 55 G. 3. as relates to Purchase of Terms in Houses, &c. repealed.

VIII. And whereas it is expedient that the Powers and Provisions contained in the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty, with respect to the Purchase or Surrender of any Term or Terms of Years in any of the Possessions of the Crown, should be repealed, and the Powers and Provisions herein-after contained be substituted for the same; be it therefore further enacted, That so much of the said last-recited Act as relates to the Purchase or Surrender of any Term or Terms of Years in any Houses, Buildings, Lands, or Hereditaments belonging to the Crown, shall be and the same is hereby repealed.

Such Repeal not to annul or prejudice any Purchases or Agreements already made.

IX. Provided nevertheless, and be it further enacted, That the Repeal of so much of the said last-mentioned Act as is hereby repealed shall not annul or prejudice any Purchase, Contract, Agreement, or other Act, Matter, or Thing, which at the Time of passing this Act shall have been made, done, or entered into under and by virtue of the said Act, but the same shall remain as good, valid, and effectual, to all Intents and Purposes, as if the said Act had not been hereby in any Manner repealed; and any Contract which may have been entered into before the Commencement of this present Act, under and by virtue of the said Act, which shall not have been fully performed or completed, may and shall be proceeded with, performed, and completed under the Provisions of the said Act, in the same Manner as if the same had not been hereby in any Manner repealed, unless the Commissioners for the Time being of His Majesty's

Contracts under recited Act may be completed under the said Act or this Act, as Commissioners of Woods

Woods, Forests, and Land Revenues shall think it more expedient to proceed with, perform, and complete the same under the Provisions of this Act; and in that Case the same shall and may be proceeded with, performed, and completed under the Provisions of this Act. and Forests shall think expedient.

X. Provided also, and be it further enacted, That the Repeal of so much of the said last-mentioned Act as is hereby repealed shall not prejudice or affect the Right of any Person or Persons, or Body or Bodies Politic or Corporate, to any Purchase Money which may have been paid or agreed to be paid for the Purchase or Surrender of any Term or Terms of Years under the Powers and Provisions of the said Act. Such Repeal not to affect any Persons Right to Purchase Money.

XI. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or any Two of them, at any Time to purchase of and from any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, any Lease or Term of Years which may for the Time being be subsisting of and in any Part or Parts of the Possessions and Land Revenues of the Crown, and to enter into such Contracts and Agreements for that Purpose as to the said Commissioners shall seem proper. Commissioners of Woods, &c. empowered to buy in Crown Leases.

XII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and for all Trustees and Executors for the Time being, possessed of or entitled to any Lease already granted or hereafter to be granted of any Part of the Possessions and Land Revenues of the Crown, and for all Tenants for any Interest short of an absolute Interest in any such Lease, and for the Guardians or Guardian or Committees or Committee of any Person interested in any such Lease, who shall be an Infant, Lunatic, Idiot, or otherwise incapable of acting for himself or herself, to contract and agree with the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, for the Sale to them, on behalf of His Majesty, His Heirs or Successors, of such Lease, and to assign, transfer, or surrender the same accordingly; and every such Contract, Agreement, Assignment, Transfer, and Surrender shall be as good, valid, and effectual in Law, to all Intents and Purposes whatsoever, as if the same were made by a Person absolutely entitled to such Lease, and under no Disability or Incapacity. Incapacitated Persons empowered to sell.

XIII. And be it further enacted, That where any Money shall, under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid, have been agreed to be paid or shall hereafter be agreed to be paid for the Purchase of any such Lease as aforesaid, which is or shall be held by or in Trust for any Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons under any Disability or Incapacity, or not having Power to sell the same, except under the Provisions for that Purpose contained in the said recited Act or under the Provision herein-before contained, such Money shall, in case the same shall Application of Purchase Money for Leases.

shall amount to the Sum of Fifty Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to the Account of such Accountant General, *ex parte* the Commissioners of His Majesty's Woods, Forests, and Land Revenues, without Fee or Reward; and such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way or otherwise, as to the said Court shall seem fit, in such Manner as the said Court shall think just and equitable, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Lease; and in the meantime and until the same shall be so applied, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled under such Lease to the Possession or to the Receipt of the Rents and Profits of the Hereditaments therein comprised; but such Money, in case the same shall not amount to the Sum of Fifty Pounds, shall be applied in such Manner as the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall think fit, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Lease.

Persons in Possession to be deemed entitled, until the contrary is shewn.

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Hereditaments comprised in the Lease so purchased, or surrendered as aforesaid at the Time of such Purchase, shall be deemed to have been lawfully entitled to such Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession or Receipt was wrongful, and that some other Person or Persons was or were lawfully entitled to such Lease.

Leases purchased may be either merged or kept on foot.

XV. And be it further enacted, That in every Case in which any subsisting Lease of any Part of the said Possessions and Land Revenues of the Crown hath been agreed to be purchased by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Provisions of the said recited Act of the Fifty-fifth

fifth Year of the Reign of His late Majesty, or shall be agreed to be purchased by them under the Provisions of this Act, it shall be lawful for the said Commissioners either to cause the same to be surrendered to His Majesty, His Heirs or Successors, in order that the Residue of the Term for which such Lease shall have been granted may merge in the Inheritance and become extinguished, or to cause the same to be assigned to any Person or Persons as a Trustee or Trustees for His Majesty, His Heirs and Successors, in order that the same may be kept on foot distinct from the Inheritance.

For removing Doubts as to the Authority of the Commissioners of Woods and Forests to contract and agree for the Sale of any subsisting Lease of Crown Lands purchased by them under recited Act of 55 G. 3.

XVI. And whereas by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hall *Viscount* Gage, *and the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown*, it was enacted, for the providing Funds for the Payment of the Purchase Monies of the Estates, Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments to be purchased under the Authority of that Act, that it should be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, from Time to Time to contract and agree with any Person or Persons, Body or Bodies Politic or Corporate, for the Sale of and absolutely to make sale and dispose of any Part or Parts of the Possessions or Land Revenues of the Crown within the Ordering and Survey of the Exchequer in *England*, which did or should consist of any Royalties, Honours, Hundreds, Manors, Lordships, or Franchises, or any Rights, Members, or Appurtenances thereof, or thereto belonging or appertaining, or any Fines, Issues, Amerciaments, Profits, Dues, or Monies arising therefrom, or incident to or receivable in respect thereof, or any Messuages, Lands, Tithes, Rents, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, Waste Lands, or any other Tenements or Hereditaments whatsoever, or any other Revenues of or belonging to the Crown within the Ordering and Survey aforesaid, which should in their Judgment be desirable to be sold for the best Prices or Considerations in Money which the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues should, under the Direction and with the Approbation of the Lord High Treasurer, or Commissioners of the Treasury for the Time being, or any Three or more of them, be able to procure for the same: And whereas Doubts have been suggested whether the said Commissioners of His Majesty's Woods, Forests, and Land Revenues were by the said Act authorized to contract and agree for the Sale of any subsisting Lease, or any Part or Parts of the Possessions and Land Revenues of the Crown, which might have been purchased or agreed to be purchased by them under the Powers and Provisions of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty; and it is desirable, for the Benefit and Security of Parties who have purchased or agreed to purchase Leases from the said Commissioners under the Provisions of the said Act of the Fifty-seventh Year aforesaid, that such Doubts should be removed; be it therefore

further enacted and declared, That the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues were by the said Act of the Fifty-seventh Year aforesaid authorized and empowered to contract and agree for the Sale of and absolutely to make sale and dispose of any subsisting Lease of and in any Part or Parts of the said Possessions and Land Revenues of the Crown, which at the Time of such Contract or Sale had been purchased or agreed to be purchased by the said Commissioners under the Powers and Provisions of the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty.

Commissioners of Woods, &c. empowered to sell any such Leases.

XVII. And whereas it is expedient to make fuller Provisions than those contained in the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty, for the future Sale and Disposal of Leases purchased or to be purchased by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Powers of the said recited Act of the Fifty-fifth Year aforesaid or of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, and they are hereby authorized and empowered, when they shall deem it necessary or expedient so to do, to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Sale of and absolutely to make sale and dispose of, for such Sum or Sums of Money as to them shall appear a sufficient Consideration for the same, any Lease which shall have been purchased under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid or of this Act, and shall have been assigned to a Trustee or Trustees for His Majesty, His Heirs or Successors, and kept on foot distinct from the Inheritance.

Mode of carrying Sales into Effect.

XVIII. And be it further enacted, That whenever the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall have contracted and agreed with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Sale to him, her, or them of any subsisting Lease of any Part or Parts of the said Possessions and Land Revenues of the Crown, which shall have been purchased or agreed to be purchased by the said Commissioners under the Authority of the said recited Act of the Fifty-fifth Year aforesaid, or of this Act, the Purchaser or Purchasers of such Lease shall cause the Purchase Money to be paid into the Bank of *England*, and the Cashiers of the Bank of *England* shall, upon Production of any Note, signed by the said Commissioners, specifying the Sum to be so paid in, and that it is to be paid in to their Account, accept and receive the same, and carry the same to the Account of the Public Monies of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being "The Woods and Forests Fund," and give a Receipt for the same without Fee or Reward; and the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues shall, on the Production of the Receipt of the Cashiers or One of the Cashiers of the Bank of *England* for the same, cause the Trustee or Trustees in whom the

said Lease shall be then vested to assign the same to the Purchaser or Purchasers, or as he or they shall direct; and every such Assignment shall be good, valid, and effectual, and the Parties claiming under such Assignment shall hold the Lease thereby assigned discharged from any Trust for His Majesty, His Heirs or Successors; and the said Commissioners, or any Two of them, shall in and by such Assignment, or by any separate Instrument, at the Option of such Purchaser or Purchasers, acknowledge the Payment of the Purchase Money.

Sales to be made under Warrant from the Treasury.

XIX. Provided always, and be it further enacted, That no Purchase or Sale of any Lease of any Part of the Possessions and Land Revenues of the Crown shall be made by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Powers of this Act, without the previous Authority of the Lord High Treasurer, or Commissioners of His Majesty's Treasury, or any Three or more of them for the Time being, to be signified by some Warrant under his or their Hand or Hands.

Assignments of such Leases declared valid, and the Purchasers exonerated.

XX. Provided also, and be it further enacted, That no Purchaser of any Lease of any Part of the Possessions and Land Revenues of the Crown, which has been agreed to be sold by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, under the Authority or supposed Authority of the said recited Act of the Fifty-seventh Year aforesaid, or which shall be sold or agreed to be sold by the said Commissioners under the Authority or supposed Authority of this Act, shall be bound to inquire whether such Lease shall have been properly purchased, pursuant to the Provisions and Intent of the said recited Act of the Fifty-fifth Year aforesaid, or of this Act, or not, or whether the same shall have been properly sold or agreed to be sold by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or not, or whether the said Commissioners shall have been duly authorized by a Warrant from the Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them for the Time being, to purchase or sell the same, nor shall any such Purchaser be bound to see to the Application of the Purchase Money for the same, or answerable for any Misapplication or Non-application thereof; but every Assignment which shall be made of any subsisting Lease of any Part or Parts of the Possessions and Land Revenues of the Crown, under the Authority or supposed Authority of the said recited Act of the Fifty-seventh Year aforesaid, or of this Act, with the Privity of the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or any Two of them, shall, so far as regards the Parties claiming under such Assignment, be good, valid, and effectual to all Intents and Purposes whatsoever, and the Receipt of the said Commissioners, or any Two of them, for the Purchase Money for any such Lease, shall be a good and sufficient Discharge to the Party or Parties paying the same, and his, her, or their Executors, Administrators, or Assigns.

XXI. And

Application of Purchase Monies.

XXI. And be it further enacted, That the Purchase Monies to be paid for the Purchase, by the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, of any Lease of any Houses, Buildings, Lands, or Hereditaments, which has been agreed to be purchased under the Provisions of the said recited Act of the Fifty-fifth Year aforesaid, or shall hereafter be purchased under the Authority of this Act, shall be paid by them out of any Monies in their Hands, arising from the said Possessions and Land Revenues of the Crown; and that the Purchase Monies to be paid in manner herein-before mentioned for the Purchase from the said Commissioners of any Lease which has been agreed to be sold by them under the Provisions of the said recited Act of the Fifty-seventh Year aforesaid, or may be sold by them under the Authority of this Act, shall be applied to the same Purposes as the Monies arising from the Sales under the said recited Act of the Fifty-seventh Year aforesaid are by that Act directed to be applied to.

All Deeds, &c. under this Act to be exempt from Stamp Duty.

XXII. And be it further enacted, That no Conveyance, Surrender, Assignment, Covenant, Agreement, Contract, Receipt, or other Deed or Instrument which shall be executed, entered into, made, or given for the Purpose of carrying into Effect any Purchase, Sale, or Exchange under the Authority of this Act, or in any Manner relating thereto, shall be subject or liable to any *ad valorem* or other Stamp Duty whatsoever, imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto and specifically charged therewith in and by such future Act or Acts.

Deeds to be enrolled in the Office of Auditor of Land Revenues.

XXIII. And be it further enacted, That all Deeds, Assignments, or Instruments, whereby any Lease which hath been or shall be purchased or sold by the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, for or on Behalf of His Majesty, His Heirs or Successors, under the Authority of this Act, or of either of the before-recited Acts of the Fifty-fifth and Fifty-seventh Years aforesaid, shall be assigned to His Majesty, His Heirs or Successors, or to any Person or Persons in Trust for him or them, or to the Purchaser or Purchasers from the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, of any such Lease, shall, within Six Months after the Date of every such Instrument or Deed, be enrolled in the Office of the Auditor or Auditors, or the acting Deputy performing the Duty of Auditor, of His Majesty's Land Revenues for the District within which the Premises comprised therein shall be situate, (or if such Premises shall be situate within more than One of the Districts for which Auditors of the Land Revenue of the Crown in *England* and *Wales* were heretofore appointed, then in the Office of the Auditor or Auditors, or acting Deputy or Deputies, for any one of such Districts,) upon Payment of the usual Fees for such Enrolment; and such Auditor or Auditors, or Deputy or Deputies, shall write a Certificate on every such Instrument or Deed, and therein mention the Time on which such respective

respective Instruments or Deeds shall be so inrolled; and that the said Auditor or Auditors, or Deputy or Deputies, shall sign the said Certificate, and a Minute or Docket thereof shall be entered and preserved in the Office of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues; and every such Deed, Assignment, or other Instrument, when so enrolled and entered, shall, without any Enrolment thereof in any Court or Courts of Law or Equity, or any other Enrolment or Registry thereof, be as good and available in Law, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same had been or was enrolled in any of His Majesty's Courts of Record at *Westminster*, or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Assurances of Lands and Tenements in the County or Counties in which the same Estates, or any of them, are situate; any Act, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Certificate of Inrolment of Deeds, &c. shall be received in Evidence. 53 G. 3. c. 121.

XXIV. And be it further enacted, That where any Contract, Mortgage, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, made and executed under or by virtue of the Authority of this Act, or of the said Act passed in the Fifty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for making a more convenient Communication from* Mary-le-bone Park *and the Northern Parts of the Metropolis in the Parish of* Saint Mary-le-bone *to* Charing Cross *within the Liberty of* Westminster, *and for making a more convenient Sewage for the same*, or either of the before-recited Acts of the Fifty-fifth and Fifty-seventh Years aforesaid, or any other Act or Acts of Parliament relating to the Land Revenue of the Crown, shall have been enrolled in the Office of the Auditor or Auditors, or the acting Deputy or Deputies performing the Duty of Auditor, of His Majesty's Land Revenues for the District within which the Premises comprised therein shall be situate, as directed by such several Acts, and a Certificate on such Instrument or Deed shall have been written, specifying therein the Time at which such respective Instruments shall have been so enrolled, and the said Auditor or Auditors or Deputy or Deputies shall have signed the said Certificate, such Certificate shall be taken and allowed as Evidence of such respective Enrolments in all Courts of Record whatsoever.

Auditor of Land Revenues to enrol Deeds, &c. in the Order in which they are received.

XXV. Provided always, and be it further enacted, That the said Auditor or Auditors, or the acting Deputy or Deputies performing the Duty of Auditors, of His Majesty's Land Revenues as aforesaid, shall, and he and they is and are hereby required to enrol every Contract, Mortgage, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, which are by this Act, or by the said herein-before mentioned Acts of the Fifty-third, Fifty-fifth, and Fifty-seventh Years of the Reign of His late Majesty as aforesaid, or by any other Act or Acts relating to the Land Revenue of the Crown, directed to be enrolled in the Office or Offices of such Auditor or Auditors, or acting Deputy or Deputies, in order of Time

as the same several Contracts, Mortgages, or other Security, Conveyance, Lease, Deed, or other Instrument whatsoever, shall be brought to the Office or Offices of the said Auditor or Auditors, or acting Deputy or Deputies, and in the same Order as the same shall be by him or them respectively received.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXI.

An Act to empower the Deputy Warden of the Cinque Ports and Lieutenant of *Dovor Castle* to act for the Lord Warden of the Cinque Ports and Constable of *Dovor Castle* during the Indisposition of the present Lord Warden.

[19th *July* 1828.]

WHEREAS the Right Honourable *Robert Banks* Earl of *Liverpool*, the Lord Warden of the Cinque Ports and Constable of *Dovor Castle*, is rendered incapable by Indisposition from attending to the Performance of the Duties of his said Office: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Deputy Warden of the Cinque Ports and Lieutenant of *Dovor Castle* for the Time being to act for the said Lord Warden, and he is hereby authorized and empowered to do, sign, and execute all Acts, Deeds, Matters, and Things appertaining to the Office of Lord Warden of the Cinque Ports and Constable of *Dovor Castle* during such Indisposition of the said Right Honourable *Robert Banks* Earl of *Liverpool*.

Deputy Warden of the Cinque Ports authorized to execute the Office of Lord Warden during the Indisposition of E. Liverpool.

Public Act.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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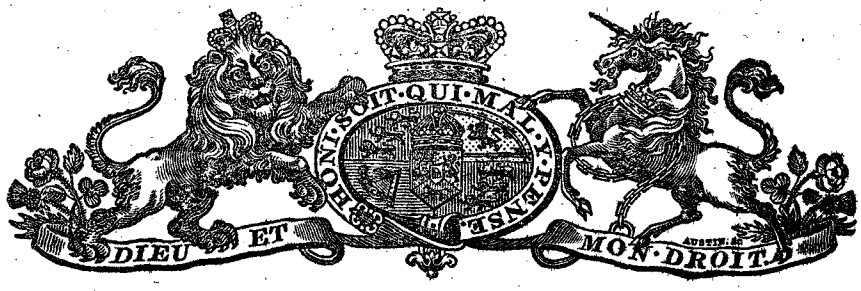

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXII.

An Act to extend the Provisions of the *East India* Mutiny Act to the *Bombay* Marine.

[19th *July* 1828.]

WHEREAS in the Fourth Year of the Reign of His present Majesty an Act was passed, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage*: And whereas the said Company, for the Safety and Protection of the Territories under their Government, in addition to their Land Forces, maintain a Marine Establishment called "The *Bombay* Marine;" and it is expedient that Discipline should be enforced therein in the Manner provided by the said Act in respect to the other Forces of the said Company; and it is intended that the Officers of the said *Bombay* Marine should hereafter be commissioned, and the Seamen should be enlisted, as Officers and Soldiers respectively of the said Company's Army: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the said Act, and the Rules and Articles of War made and to be made by virtue thereof, shall extend and be applied to the Service of the *Bombay* Marine; and that all Persons in the Service of the said Company belonging to the said *Bombay* Marine, who shall be commissioned or in pay as Officers, or enlisted or in pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, shall be, to all Intents

4 G. 4, c. 81.

Provisions of recited Act, and the Articles of War made by virtue thereof, to extend to the Bombay Marine.

Intents and Purposes, liable to the Provisions of the said Act, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces.

Commencement of Act.

II. And be it further enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and twenty-nine.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXIII.

An Act to provide for the Relief of Insolvent Debtors in the *East Indies*, until the First Day of *March* One thousand eight hundred and thirty-three. [19th *July* 1828.]

WHEREAS divers good Laws have of late Years been established within the United Kingdom of *Great Britain* and *Ireland* for the Relief of Insolvent Debtors, and it is right that Relief be given also to Insolvent Debtors in some Parts of the *East Indies;* be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *March* One thousand eight hundred and twenty-nine, there shall be holden, within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, separate Courts for the Relief of Insolvent Debtors, which shall be Courts of Record, and shall be stiled "The Courts for the Relief of Insolvent Debtors;" and that His Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, shall from Time to Time appoint such of their Officers, or if the Officers of such Supreme Courts shall be found insufficient, such additional Persons as may be necessary to transact the Business of such Courts, and to act as Common Assignees, Examiners, and Ministerial Officers of such Courts; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to administer

Courts for the Relief of Insolvent Debtors shall be held at Calcutta, Madras, and Bombay.

Powers of the said Courts.

administer Oaths, and examine Parties and Witnesses upon Oath or solemn Affirmation; and the said Courts, within and throughout the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies*, shall have the like Powers of issuing Commissions to take Evidence, and of enforcing the Attendance of Witnesses and the Production of Books, Papers, and Writings, and of summoning, examining, and enforcing the Attendance of any Insolvent Debtor, or his Wife, or any other Person who may be able to give Information respecting the Debts, Estates, or Effects of any such Insolvent Debtor, as are now possessed by the said Supreme Court, or as are possessed by Commissioners of Bankrupt, in case of Bankruptcy, for the Purpose of summoning, examining, and enforcing the Attendance of Bankrupts and their Wives, and other Persons, under and by virtue of an Act passed in the Sixth Year of the Reign of His present Majesty, and intituled *An Act to amend the Laws relating to Bankrupts;* and the said Courts for the Relief of Insolvent Debtors shall also have the Power of fining in a summary Way, or of committing to the Common Gaol, all Persons guilty of Contempt of Court, and of fining in a summary Way and of removing any of their Officers who shall be guilty of Negligence or Misconduct; but the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by some Rule which shall be made by the said Supreme Courts respectively, for the Purposes and in the Manner herein-after stated: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not summon or examine any Native of the *East Indies*, otherwise than by Commission, in any Case in which such summoning or Examination shall appear to the said Court to be repugnant to the Customs and Usages of the Country.

6 G. 4. c. 16.

Practice of the Court.

II. And be it further enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and as often as may be found necessary within the Towns of *Madras* and *Bombay*, by any one Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for the said Courts for the Relief of Insolvent Debtors to adjourn from Time to Time as they may think fit, and for the said Courts, and the said Supreme Courts respectively, to be sitting at one and the same Time, and severally to act and proceed in the Exercise of their respective Powers; and every Advocate or Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, shall be admitted to practise in the Way of his Profession in the said Courts for the Relief of Insolvent Debtors respectively, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to establish Rules to regulate the Proceedings of the Courts for the Relief of Insolvent Debtors to be holden within their respective Jurisdictions, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases, besides those mentioned in this Act, Costs may be awarded; and shall prepare, and

cause to be sealed with their respective Seals, a sufficient and proper List of Fees to be charged and received by the Officers of the Courts for the Relief of Insolvent Debtors, and shall certify under their respective Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees, to be laid before His Majesty for His Royal Approbation, Correction, or Revision, and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts on any Pretence whatsoever, except such as shall be specified in such Lists.

Parties interested may require Evidence to be taken down in Writing.

III. And be it further enacted, That any Person who shall be interested in any Petition for Relief which shall be presented by any Insolvent Person to any of the said Courts for the Relief of Insolvent Debtors, or in any Petition which shall be presented against any Trader to any of the said Courts, praying an Adjudication of Insolvency as herein-after mentioned, or in any Proceeding of any of the said Courts respecting any such Petition, upon depositing with the proper Officer of the Court a Sum of Money of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any Proceeding in which he has an Interest may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case the Party who shall have so required such Evidence to be taken down in Writing shall not within One Calendar Month thereafter present his or her Petition of Appeal as is herein-after directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable Costs and Expences thereof out of the Money which shall have been so deposited as aforesaid, returning the Overplus, if any, to the Person who shall have deposited the same.

Parties aggrieved may petition the Supreme Court, &c.

IV. And be it further enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors, to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden, or if such Supreme Court of Judicature shall not be sitting, then to present such Petition to One of the Judges thereof; and it shall be lawful for the Court or Judge to which or to whom any such Petition shall be presented to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the Matter of the Petition and of such Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which

which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

Persons imprisoned for Debts may petition the Court for the Relief of Insolvents.

V. And be it further enacted, That after the Time herein-before appointed for this Act to take effect, any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, for Debt, Damage, Costs, or Money which such Person is solely, or jointly with any other or others, liable to pay, or for Contempt of any Court whatsoever, by the Nonpayment of Money only, may, at any Time within Fourteen Days next after the Commencement of the actual Custody of such Debtor, or afterwards, if the Court shall in any Case think it reasonable and proper to permit the same, apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be; and in such Petition there shall be stated the Place wherein the Prisoner shall be then confined, the Time when he or she shall have been first charged in Custody, and the Parties by whom, and the Reasons and the Amount for which, he or she shall at the Time of presenting such Petition be detained; and the said Petition shall be subscribed by the Prisoner with his Name or Mark, and shall forthwith be filed in the Court to which it shall be presented; and if any Persons so imprisoned as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is herein-before mentioned.

Insolvent Persons who can deliver up Property to the Amount of Half their Debts, and of a certain Value, may petition without being in Prison.

VI. And be it further enacted, That if any Person or Persons being so indebted as aforesaid, and who shall reside within the Jurisdiction of either of the said Supreme Courts at *Calcutta*, *Madras*, or *Bombay*, shall find that he, she, or they is or are in insolvent Circumstances, but that he, she, or they has or have some Estate and Effects of the Amount of Half his, her, or their Debts, of which instant Possession might be given to an Assignee, it shall be lawful for such Person or Persons, without being in Prison, to apply, jointly or severally, as the Case may be, by Petition to the Court for the Relief of Insolvent Debtors to be holden at those Places respectively, and the Petition or Petitions shall be subscribed by the Insolvent or Insolvents with his, her, or their Name or Names, and shall be forthwith filed in the said Court.

Those who petition jointly may be required to file sole Petitions also.

VII. And be it further enacted, That when any such joint Petition as is afore-mentioned shall be presented to any Court for the Relief of Insolvent Debtors, it shall be lawful for the Court, if it shall see fit, to require and compel each of the Insolvents to file a sole Petition also, in order that upon one Petition, and by the Proceedings to be thereon taken, the Court may dispose of the Estates and Effects belonging to all the Insolvents jointly, and that upon the other Petitions, and the Proceedings to be thereon taken, it may dispose of the Estates and Effects belonging to each Insolvent separately; and if there shall be any Residue of the joint Estate and Effects after Payment of the joint Debts, such Residue shall be duly divided and paid over to the several Assignees who shall have been appointed upon

upon the sole Petitions of those to whom such joint Estate and Effects shall have belonged, and in like Manner if there shall be any Residue of the separate Estate and Effects of any of the Insolvents after the Payment of his or her separate Debts, it shall be paid over to the Assignee or Assignees who shall have been appointed upon the joint Petition.

Fines, Penalties, Forfeitures, and Recognizances shall not be deemed Debts for the Purposes of this Act.

VIII. Provided always, and be it further enacted, That no Debt due to our Sovereign Lord the King, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the King, nor any Debt due on account of any Fine, Penalty, or Forfeiture, nor any Estreat, shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts, or Estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

At the Time of presenting Petitions Assignments shall be made to Persons appointed by the Court.

IX. And be it further enacted, That the Person or Persons who shall present any such Petition as is herein-before mentioned shall, at the Time of presenting the same, execute an Assignment to the Common Assignee in such Manner and Form as the Court shall direct, of all his, her, or their Real and Personal Estate and Effects, Rights, Dues, Claims, Choses in Action, and Interests, which he, she, or they shall then have or be entitled to, or which may in any way come to or be acquired by them before the Court shall have made its final Order in the Matter of his, her, or their Petition.

Lying in Prison 21 Days for Debt, or departing the Jurisdiction with Intent to defeat or delay any Creditor, shall be deemed an Act of Insolvency on which Creditor may petition;

X. And be it enacted, That if any Person who by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or by any Act hereafter to be passed, shall be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt, be in Prison for Twenty-one Days, or having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him and not discharged; or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with Intent to defeat or delay his or her Creditors; it shall be lawful for any Creditor to whom such Person shall be indebted to the Amount of One thousand Sicca Rupees, or for any Two Creditors to whom such Person shall be indebted to the Amount of One thousand five hundred Sicca Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Two thousand Sicca Rupees, to present a Petition to the Insolvent Debtors Court of the Presidency within which such Person shall have been imprisoned or have resided previously to such Departure as aforesaid, stating the Amount of the Debt or Debts due to such Creditor or Creditors from such Person, and the Nature of his trading, and such Act of lying in Prison or Departure as aforesaid, and praying

that such Court would proceed in like Manner as if such Person had petitioned such Court for Relief under this Act; whereupon such Court shall inquire into the Truth of such Petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Person has committed an Act of Insolvency.

Upon such Adjudication the Court to be invested with the same Powers as if Insolvent had petitioned.

XI. And be it enacted, That upon such Adjudication being made, such Court shall be invested with the same Powers and Authorities with which such Court would have been invested or might have exercised in case such Insolvent had presented a Petition for Relief under this Act, and all the Real and Personal Estate and Effects, Rights, Dues, Claims, Choses in Action, and Interests, which such Insolvent shall then have or be entitled to, or which may in any way come to or be acquired by such Insolvent before the Court shall have made its final Order in the Matter of such Petition, shall, by force of such Adjudication, be vested in the Common Assignee of the said Court, in like Manner to all Intents and Purposes as if such Insolvent had assigned the same under the Directions of the said Court: Provided always, that in all Cases where any Adjudication of an Act of Insolvency shall have been pronounced by any Court for the Relief of Insolvent Debtors, it shall be lawful for such Court, upon the Petition of any Person so adjudged to have committed an Act of Insolvency, complaining of such Adjudication, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been pronounced, to appoint an early Day for hearing such Petition of Complaint, and on such Day, or on any future Day to which such Hearing may be adjourned, to hear such Creditor or Creditors and such Complainant, by themselves or their Counsel respectively, and to examine the Evidence to be adduced by them respectively, and thereupon to revoke or confirm such Adjudication.

The filing a Petition of an Insolvent to be accounted an Act of Bankruptcy.

XII. And be it enacted, That the filing of every Petition by an Insolvent Debtor in any of the said Courts for Relief under this Act, whether such Insolvent shall be in Custody or not, and every such Adjudication of an Act of Insolvency, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent, from the Time of filing such Petition or of such Adjudication respectively, if such Insolvent shall be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent, whose Debt or Debts shall be of sufficient Amount to entitle him or them by Law to petition for a Commission of Bankrupt, shall at any Time within Two Months after Notice of such Petition or Adjudication shall have been given in the *London Gazette*, as herein-after directed, be at liberty to sue out a Commission of Bankrupt, in that Part of the United Kingdom called *England*, against such Insolvent, under which Commission all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by the Provisions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or by any other Act or Acts hereafter to be passed respecting Bankrupts, except as herein-after provided.

XIII. And

XIII. And be it further enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the said United Company shall be desirous of suing out any such Commission of Bankrupt against any such Insolvent, it shall be lawful for such Person or Persons to make Proof of his, her, or their Debt or Debts before such Court for the Relief of Insolvent Debtors, which Proof, if satisfactory to such Court, shall be certified under the Seal of such Court; and the Certificate thereof, on Proof being made that the same is sealed with the Seal of such Court, shall be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of such Commission, and also to authorize the Commissioners under such Commission to proceed thereon.

Commission may issue on Certificate of Proof of Debt by an Indian Creditor.

XIV. Provided always, and be it further enacted, That in case of the issuing of any such Commission of Bankrupt against any such Insolvent, such Commission shall not in any Manner affect, invalidate, or make void any of the Proceedings of any Court for Relief of Insolvent Debtors, nor any of the Acts or Proceedings of any Assignee or Assignees appointed by such Court, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, within the Limits of the Charter of the said United Company, nor shall the Assignee or Assignees appointed under any such Commission acquire any Right or Title to take Possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees appointed by such Court for the Relief of Insolvent Debtors shall continue, and shall, notwithstanding such Commission of Bankrupt, have full Power and Controul over all the Real and Personal Property of such Insolvent within the Limits aforesaid, and the Distribution and Management thereof, as effectually as if such Commission of Bankrupt had not issued; nevertheless it shall be the Duty of any Assignee or Assignees appointed by such Court, and the Assignee or Assignees chosen under the said Commission, equally to come to account with each other, so as in the end that a Dividend shall be rateably and proportionably made among all the Creditors of the said Insolvent, whether resident within the Limits aforesaid or in the United Kingdom of *Great Britain* and *Ireland*.

Assignees protected for Acts done prior to the Commission of Bankruptcy.

XV. And be it further enacted, That all the Creditors of any such Insolvent whose Debts shall have been allowed in any Court for the Relief of Insolvent Debtors shall be admitted as Creditors under any such Commission of Bankrupt, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Commission; and in like Manner all Creditors whose Debts shall have been duly proved under any such Commission of Bankrupt shall be admitted as Creditors in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

Creditors whose Debts have been allowed in Court to receive equal Dividend with Creditors under any Commission of Bankrupt.

XVI. Provided always, and be it enacted, That when any such Insolvent shall be declared bankrupt upon the sole Ground of his having

As to surrender of Persons declared

bankrupt upon filing Petition to the Court only.

having filed such Petition for Relief in the said Court for Relief of Insolvent Debtors, or of such Adjudication of an Act of Insolvency as aforesaid, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission, until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

Creditors and Commissioners may sign Certificate of Bankrupt, &c.

XVII. And be it enacted, That it shall be lawful for any Creditors of such Insolvent, who shall have duly proved their Debts under any such Commission as aforesaid, and for the Commissioners under such Commission, if they shall be satisfied with such Examination of such Insolvent as shall have been had in any Court for the Relief of Insolvent Debtors, to sign the Certificate of such Bankrupt; and such Certificate shall have the same Force and Effect in all Places situate without the Limits aforesaid, and in respect of all Debts due to Persons resident at any such Places without the Limits aforesaid, at the Date of such Certificate, as if the same had been duly signed in the usual Way, after such Bankrupt had duly surrendered and passed his last Examination.

No Indian Creditor to vote in the Choice of Assignees, except the Petitioning Creditor if resident.

XVIII. Provided always, and be it further enacted, That no Creditor of such Insolvent who shall be resident within the Limits aforesaid, excepting only the Petitioning Creditor or Creditors, in case he, she, or they shall be so resident, shall be entitled to vote in the Choice of the Assignee or Assignees to be appointed under any such Commission of Bankrupt or otherwise, respecting the Matters to be transacted under such Commission of Bankrupt, nor shall be reckoned among the Creditors of the Bankrupt in Number or Value whose Signature is required by Law to the Certificate of such Bankrupt.

Partnership Creditors.

XIX. Provided also, and be it enacted, That in all Cases where any One Member of a Partnership to which any such Insolvent shall be indebted shall be resident within the Limits aforesaid, such Partnership shall be accounted and taken as a Creditor resident in the *East Indies*, for the Purposes of this Act.

Notices to be inserted in the Gazettes of the Presidencies and in the London Gazette.

XX. And be it further enacted, That the Principal Officer of the respective Courts for Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden, of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every such Adjudication of an Act of Insolvency, and of every Confirmation or Revocation thereof, forthwith after the filing such Petition or pronouncing such Adjudication, or such Confirmation or Revocation thereof respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said United Company, by different Ships, Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay, after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*.

XXI. And

XXI. And be it enacted, That the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankrupt, and all Courts whatsoever, to be sufficient Evidence of the filing of the Petition of such Insolvent in such Court for Relief of Insolvent Debtors, and of such Adjudication of an Act of Insolvency, and of such Confirmation or Revocation thereof.

Production of the London Gazette containing such Notice to be sufficient Evidence.

XXII. Provided always, and be it further enacted, That in all Cases where an Insolvent petitioning any such Court for Relief shall be possessed of any Real or Personal Estate in the United Kingdom of *Great Britain* and *Ireland*, and no Commission of Bankrupt shall be sued out as herein-before mentioned, it shall be lawful for the Assignee or Assignees of the said Insolvent, appointed by any such Court, to proceed, either by himself or themselves, or by any Person duly authorized for that Purpose by Power of Attorney, to get Possession of such Real and Personal Estate, and to dispose of the same in the most beneficial Manner, and to administer the Proceeds thereof among the Creditors of the said Insolvent under the Provisions of this Act.

When no Commission of Bankruptcy shall issue, the Assignees appointed by the Court may administer the Estate.

XXIII. And be it enacted, That after the making of any such Assignment as is herein-before directed, or after any such Adjudication of Insolvency as aforesaid, it shall be lawful for any such Court to direct that so much of the Wearing Apparel, Household Furniture, Working Tools, and other Necessaries of the Insolvent or Insolvents, and of his, her, and their Family or Families, as shall be fitting and suitable to his, her, or their Condition and Circumstances, may be left in his, her, or their Possession until the further Order of the Court, not exceeding in Value in the whole the Sum of One thousand Sicca Rupees: Provided always, that when any Person or Persons shall have executed any such Assignment without being in Custody, he, she, or they shall be required forthwith to put the Assignee or Assignees into Possession of his, her, or their Estate and Effects of the Amount of Half their Debts; and the Assignee or Assignees who shall be so put into Possession shall, according to the best of his or their Knowledge and Belief, forthwith certify the same to the Court by which he or they shall have been appointed; and until such Assignee or Assignees shall have so certified, no such Order as is herein-before mentioned, for leaving Part of the Effects of such Insolvent or Insolvents in his, her, or their Possession, shall be made, nor any other Step taken towards granting the Prayer of the Petition of the Insolvent or Insolvents, or any Part thereof.

The Court may order Part of the Insolvent's Effects to be left in his Possession.

After Assignment made, Insolvent to put Assignees into the Possession of the Estate, and Assignees to certify the same.

XXIV. And be it enacted, That when any Assignee or Assignees shall have so certified as is last herein-before mentioned, it shall be lawful for the said Courts for Relief of Insolvent Debtors at *Calcutta*, *Madras*, and *Bombay* respectively, to grant and deliver, to the Person or Persons by whom such Estate or Effects shall have been given up, a Certificate or Certificates of his, her, or their having delivered to his, her, or their Assignee or Assignees Property which is believed to be of the Amount of Half their Debts; and every such last-

The Court may, upon such Certificate, give the Insolvent a Protection from Arrest.

mentioned Certificate shall, until the said Courts respectively shall make Order to the contrary, have the Effect of protecting the Person to whom it shall be so given from being arrested for Debt within the Limits of the Towns of *Calcutta*, *Madras*, and *Bombay* respectively, or any other Place within the Limits of the Charter of the said United Company to which such Person shall resort with Leave of the said Courts respectively, signified in Writing; and if any such Person shall, contrary to the aforesaid Provisions, be arrested for Debt, and the Officer who shall have arrested him or her shall, after having seen such last-mentioned Certificate and Leave, refuse to discharge such Person, he shall forfeit to the same Person Fifty Sicca Rupees for every Day he shall detain him or her, which Sum or Sums may be recovered by Action of Debt in any of His Majesty's Courts of Record within the Jurisdiction of which the Arrest shall have been made, and such Action shall be brought in the Name of the Person so detained, who, if he shall recover in such Action, shall also have full Costs of Suit.

Upon Assignment being made and Possession certified, the Court may discharge Debtors from Prison.

XXV. And be it enacted, That when any Person or Persons being in Custody shall have executed any such Assignment as is herein-before mentioned, if he, she, or they shall in like Manner put the Assignee or Assignees to whom the Assignment shall have been made into Possession of his, her, or their Estate or Effects of the Amount of Half their Debts, and the Assignee or Assignees of such Prisoner or Prisoners shall have certified the same to the Court for Relief of Insolvent Debtors, in such Manner as herein-before is mentioned, and the Court shall be satisfied of the Truth thereof, it shall be lawful for such Court to discharge such Person or Persons from Custody, and to grant and deliver to him, her, or them the like Certificate and Leave, which shall have the like Consequences and Effects in protecting him, her, or them from being arrested for Debt: Provided always, that it shall at all Times be lawful for such Court to revoke and annul such Certificate or Leave, if it shall appear to such Court that such Certificate or Leave hath been unfairly obtained or improperly used.

Proviso.

General Effect of the Assignment.

XXVI. And be it enacted, That every such Assignment as is herein-before mentioned shall have the Effect of conveying or transferring to and of vesting in the Assignee or Assignees, who shall have been appointed by the Court and named in the Assignment, the whole Estate and Effects, Real and Personal, and all Rights, Duties, Claims, Choses in Action, Interests, and Property whatsoever, which at the Time of executing the Assignment shall belong to the Insolvent or Insolvents, either solely or jointly with any other Person or Persons, or which shall come to or be required by him, her, or them, or to which he shall be or become entitled in Reversion, Remainder, or Expectancy, before the Court shall have made an Order for the Discharge of such Insolvent or Insolvents from all Liability as herein-after mentioned, and the Effect also of entitling and empowering the Assignee or Assignees to give such Discharges for Debts due to such last-mentioned Person or Persons as may be requisite; and every such Assignment as is herein-before mentioned shall be in Trust for the Benefit, in proportion to their respective Dues and just

Claims, of all the Creditors of the Person or Persons executing the Assignment.

Offices, Appointments, and Benefices, if saleable, shall pass to the Assignees, and if not, the Court may order a Proportion thereof.

XXVII. And be it further enacted, That if any Insolvent at the Time of making any such Assignment as is herein-before mentioned shall hold any Public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, under the Crown of the United Kingdom of *Great Britain* and *Ireland*, or under the said United Company, and if his Interest in such Office or Appointment shall be such that he might lawfully sell the same, such Interest for the Purpose of Sale shall, by the Assignment, be transferred to and vested in the Assignee or Assignees in Trust for the Benefit of his Creditors, and if his Interest therein shall not be such as he might lawfully sell, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee or Assignees as the said Court shall think just and right.

Voluntary Preference fraudulent, and void as against Assignee.

XXVIII. And be it enacted, That if any Insolvent who shall file his or her Petition for his or her Discharge under this Act, or if any Trader who shall be adjudged to have committed an Act of Insolvency on the Petition of any such Creditor or Creditors as aforesaid, being in insolvent Circumstances, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor or other Person whomsoever, or to any Person in Trust for or to or for the Use, Benefit, or Advantage of any Creditor or other Person whomsoever, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, if made within Two Months before the Date of such Petition, or with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his or her Discharge from Custody under this Act, or of committing such Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the common or other Assignee or Assignees of such Prisoner appointed under this Act.

No Distress for Rent shall be made after the Assignment.

XXIX. And be it enacted, That after any such Assignment shall be made by any Petitioner or Petitioners, as herein-before mentioned, or after any such Adjudication of an Act of Insolvency as aforesaid, no Distress for Rent due before the filing of such Petition or Adjudication shall be made upon the Goods or Effects of any such Insolvent or Insolvents before the final Order of the Court shall have been made in the Matter of the Petition before the Court, but the Landlord or Party to whom the Rent shall be due shall be allowed to come in as a Creditor, and receive any Dividend or Dividends in proportion to the Amount of any Rent due, in like Manner as other Creditors in proportion to the Amounts of their respective Dues.

The Court may remove the Assignees and appoint others.

XXX. And be it further enacted, That after any such Assignment or Conveyance as by the Provisions of this Act are required to be made to the Common Assignee of the Court for Relief of Insolvent Debtors, or

or after any such Adjudication as aforesaid, it shall be lawful for the said Courts respectively, at any Time in their Discretion, to appoint some other Assignee or Assignees, and when such new Assignee or Assignees shall have signified to the Court his or their Acceptance of the Appointment, the Estate, Effects, Rights, Dues, Claims, Choses in Action, Interest, Trusts, and Powers, which shall have been assigned or conveyed, transferred to, or vested in such Common Assignee, shall immediately be assigned and conveyed by him to such new Assignee or Assignees as aforesaid, upon the same Trusts and for the same Purposes as they are before assigned and conveyed; and in case any Assignee or Assignees shall be unwilling to act, or in case of the Death or Incapacity or Misconduct of any Assignee or Assignees, it shall be lawful for the Court by which he or they shall have been appointed to order that any Assignment or Conveyance to him or them shall be vacated, and the same shall be vacated accordingly, but so nevertheless that no Act or Thing done prior to the Order whereby they are vacated shall be annulled or in any way affected thereby; and it shall also be lawful for the Court to appoint a new Assignee or Assignees, with like Powers and Authorities, and to oblige any Assignee or Assignees so removed, and the Heirs, Executors, Administrators, and Assigns of any deceased Assignee, to account for and deliver up all such Estate and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his, her, or their Hands by virtue of any Assignment or Conveyance made under this Act, and the Decision of the Court thereupon shall be final and conclusive; and from and immediately after any such Appointment as is aforesaid of any new Assignee, all the Estate, Effects, Rights, Dues, Claims, Choses in Action, Interest, Trusts, and Powers assigned or conveyed to or vested in the Assignee or Assignees, in the Room of whom such new Assignee or Assignees as aforesaid shall have been appointed, shall by virtue of such Appointment be transferred to and become vested in such new Assignee or Assignees; and whenever an Assignee shall die or be removed, or a new Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees under this Act shall be thereby abated, but upon the Suggestion of such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees; and all such Assignments, Conveyances, and Appointments, as it is herein-before mentioned are to be made under the Directions of the Courts for the Relief of Insolvent Debtors, shall be entered on the Proceedings of the Court by the Order of which they shall be made.

Suits shall not abate by the Death or Removal of Assignees.

XXXI. And be it enacted, That when any such Petition as is aforesaid shall be presented by any Insolvent or Insolvents to the said Court for the Relief of Insolvent Debtors, the Party or Parties presenting the Petition, at the same Time or within Thirty Days after, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule containing a full and true Account of all his, her, or their Debts, whether due by him, her, or them solely, or jointly with any other Person or Persons, and of all Claims made upon the Insolvent or Insolvents for any such Debts not

Petitioners shall deliver Schedules of their Property.

not admitted to be due, together with a full and true Description of the several Persons to whom such Debts shall be owing, or by whom such Claims shall have been made, and also a true and perfect Account of all the Estates and Effects, Real and Personal, of the Insolvent or Insolvents, in Possession, Reversion, Remainder, or Expectancy, wheresoever situate, and of all his, her, or their Rights, Dues, Claims, Choses in Action, and Interests, and of all Trusts and Powers which can in any way be available for the Benefit of his, her, or their Creditors; and such Schedule shall also contain a full and true Statement of the Names and Places of Abode of the Person or Persons from whom any Debt or Debts shall be owing to the Petitioner or Petitioners, himself or themselves, or to him, her, or them jointly with any other Person or Persons, or against whom any Claim or Action may be brought, maintained, and enforced, and of the Witnesses who may be able to prove such Debts or support such Claim or Action, together with any other Particulars which may be required by any Rules to be established for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving further Effect to this Act in the Manner which is hereinbefore set forth; and every such Schedule so delivered as aforesaid shall be subscribed by the Insolvent or Insolvents delivering the same with his, her, or their Names, and shall forthwith be filed in the Court.

Insolvent may file Schedule after Adjudication.

XXXII. Provided always, and be it further enacted, That after any such Adjudication of an Act of Insolvency as aforesaid, it shall be lawful for any Insolvent to file a Schedule in the Court by which such Adjudication shall have been pronounced, in like Manner as if such Insolvent had presented a Petition for Relief under this Act, which Schedule shall have the like Effect and be acted upon in the like Manner, and from which Schedule such Insolvent shall be entitled to the like Benefit, as if the same had been filed in consequence of a Petition for Relief presented by such Insolvent under this Act.

After the Petition and Schedule are filed, the Court shall give Notice to the Detaining Creditor, and appoint a Day for hearing the same.

XXXIII. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and Assignment shall have been made as hereinbefore directed, and after any such Adjudication of an Act of Insolvency shall have been pronounced upon the Petition of any Creditor or Creditors of such Insolvent as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he or she may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the *British* Territories in the *East Indies*, as the Court shall direct; and Notice to the like Effect shall be Twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, or of any such Creditor or Creditors of such Insolvent as aforesaid, after such convenient Interval of Time that all the Creditors resident within the *British* Territories in the *East Indies* may have sufficient Opportunity of examining and

ascertaining the Truth or Falsehood of the Insolvent's Petition and Schedule.

Hearing of Petitions.

XXXIV. And be it further enacted, That upon the Day so appointed by the Court as aforesaid for the Hearing of any Petition, or on any future Day to which such Hearing may be adjourned, it shall be lawful for the Insolvent or Insolvents, and for any Creditor or Creditors of the Insolvent or Insolvents, to be heard, either by himself, herself, or themselves, or by Counsel, in support of or in opposition to the Petition before the Court, and the whole Matter and Substance of the Petition shall be inquired into and examined by the Court, as well respecting the Claims of any Creditors who shall be absent, as of those who shall be present; and it shall be lawful for the Court to order any Insolvent who is in Custody to be brought before it as often as Occasion may require, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who is known or suspected to have any of the Estate or Effects of the Insolvent or Insolvents in his or her Possession, or any Person who is suspected to be indebted to the Insolvent or Insolvents, or any Person who is believed to be capable of giving any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent or Insolvents for the Benefit of his, her, or their Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, who shall appear before the said Court, in the same Way as any other Witnesses are examined in any of His Majesty's Courts of Record in the *East Indies* in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving Effect to this Act in the Manner which is herein prescribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expences tendered to him, in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Expences of Witnesses.

Where Creditor is incapable of attending, the Court may receive his Affidavit.

XXXV. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall reside more than One hundred Miles from the said Court, or shall be incapable of attending the said Court by reason of Sickness or Infirmity, to be proved to the Satisfaction of the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination and Cross-examination of any Person making or joining in such Affidavit or solemn Affirmation.

Mutual Debts.

XXXVI. And be it further enacted, That when there has been mutual Credit given by the Insolvent or Insolvents and any other Person or Persons, one Debt or Demand may be set against the other, and all such Debts, Dues, and Claims as may be proved under a Commission of Bankruptcy, according to the Provisions of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An*

Act to amend the Laws relating to Bankrupts, or may hereafter be proveable under such Commission by virtue of any Act hereafter to be passed, may also be proved upon any such Hearing as is herein-before mentioned, in the same Manner, and subject to the like Deductions, Conditions, and Provisions, as in the said last-mentioned Act are set forth and prescribed. 6 G. 4. c. 16.

Creditors may claim, although omitted from Schedule, &c.

XXXVII. And be it further enacted, That when any Petition shall have been presented under this Act to any of the said Courts for the Relief of Insolvent Debtors, either by an Insolvent or by any Creditor or Creditors of such Insolvent, it shall be lawful for any Person or Persons to whom such Insolvent shall be indebted, at any Time before or after the Discharge of such Insolvent, to make claim upon the Estate of such Insolvent, and to prove his or their Debt or Debts, whether due by such Insolvent solely, or jointly with any other Person or Persons, and shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt really due to such Person; and in the Case of an Adjudication of an Act of Insolvency under this Act, then although no Schedule shall have been filed by such Insolvent, and where any Objection to the Existence or Amount of such Debt so claimed shall be made by such Insolvent or any Creditor, such Court shall hear the same, and make such Order thereon as may seem meet and just.

Order of Court upon the Hearing.

XXXVIII. And be it further enacted, That upon the Hearing of any such Petition it shall be lawful for the Court to adjudge that the Insolvent is entitled to the Benefit of this Act, and to order his immediate Discharge from Custody accordingly, or to dismiss or amend the Petition, or to order the Insolvent or Insolvents to amend his, her, or their Schedule or Schedules, or to adjourn the further Hearing of the Petition until a future Day, or to make a Reference to the Examiner or other proper Officer of the Court to make Inquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent or Insolvents to Prison until the further Hearing of the Petition, or until final Order be made in the Matter thereof, or to commit the Insolvent or Insolvents to Custody for any Debt or Debts, if he, she, or they shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Certificate as is herein-before mentioned, which may have been given for the Purpose of protecting the Insolvent or Insolvents from Arrest, or to make any fresh Order for protecting the Insolvent or Insolvents from Arrest until final Order shall be made in the Matter of the Petition before the Court, and to order and direct that the Assignee or Assignees shall make some reasonable Allowance for Maintenance until such final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Sicca Rupees *per* Week: Provided always, that in case of the Court dismissing any Petition, the Acts previously done by the Assignee or Assignees, or any Person or Persons acting under his or their Authority, in pursuance

suance of this Act, shall be valid; but in such Case the Court shall make such Order for re-assigning and Re-delivery to the Insolvent the Residue of his or her Estate and Effects, as the Case shall require, whereupon the same shall be re-vested in such Insolvent accordingly.

Public Notice shall be given of the Order.

XXXIX. And be it further enacted, That the Court by which any Order shall be made upon any such Hearing as is herein-before mentioned shall also order that the Assignee or Assignees shall give such Notice of such Order having been made as to the Court shall seem fit and convenient.

Discharge may extend to Sums payable by way of Annuity.

XL. And be it further enacted, That the Discharge of any such Insolvent so adjudicated as aforesaid shall and may extend to any Sum and Sums of Money which shall be payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever; and that every Person and Persons who would be a Creditor or Creditors of such Insolvent for such Sum or Sums of Money, if the same were presently due, shall be admissible as a Creditor or Creditors of such Insolvent for the Value of such Sum or Sums of Money so payable as aforesaid; which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of filing such Insolvent's Petition; and such Creditor or Creditors shall be entitled, in respect of such Value, to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice nevertheless to the respective Securities of such Creditor or Creditors, excepting as respects such Insolvent's Discharge under this Act.

Any Actions which may have been brought upon Claims admitted in the Schedule shall be discontinued.

XLI. And be it further enacted, That if at the Time of any such Hearing and Order any Suit or Action shall be pending against the Insolvent or Insolvents in any Court within the *British* Territories in the *East Indies*, or for any Debt, Claim, Obligation, or Demand admitted in the Schedule of the Insolvent or Insolvents, or disputed as to Amount only, every Plaintiff in such Suit or Action shall discontinue the same, and shall pay all Costs incurred subsequent to his having Notice of such Hearing and Order; and in case of such Discontinuance, the Insolvent or Insolvents shall not, by virtue of any Supersedeas, Nonsuit, or Judgment as in case of Nonsuit in any such Suit or Action, be relieved from the Debt, Claim, Obligation, or Demand for which it shall have been brought, or entitled to claim from the Plaintiff or Plaintiffs any of the Costs of any such Suit or Action incurred before the Plaintiff or Plaintiffs had Notice of the Hearing and Order aforesaid.

Assignees may seize the Property of the Petitioners.

XLII. And be it further enacted, That every such Assignee as aforesaid shall, with all convenient Speed, take Possession, by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and

shall

shall use his or her best Endeavours to seize, obtain, recover, and reduce into Possession as speedily as possible the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action which by such Assignment he shall have been empowered to obtain, recover, and get in.

The Court may sell the reputed Property of the Petitioner.

XLIII. And be it further enacted, That if any such Insolvent or Insolvents as are before mentioned, at the Time of filing his, her, or their Petition, or at the Time of any such Adjudication of an Act of Insolvency as aforesaid, shall, by the Consent and Permission of the true Owner thereof, have in his, her, or their Possession, Order, or Disposition, any Goods or Chattels whereof he, she, or they is or are reputed Owner, or of which he, she, or they have undertaken the Sale, Alteration, or Disposition, as Owner, the Court in which the Petition shall have been filed, or by which such Adjudication shall have been pronounced, shall have Power to sell and dispose of the same for the Benefit of the Creditors of such Insolvent or Insolvents; provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, according to the Provisions of an Act of Parliament made in the Sixth Year of the Reign of His present Majesty, and intituled *An Act for the registering of* British *Vessels*.

Assignees may redeem any Property of the Petitioner.

XLIV. And be it further enacted, That if any Insolvent or Insolvents shall have mortgaged, pledged, pawned, or deposited any Real or Personal Estate, or any Effects, Deeds or written Instruments, with a Reservation to himself, herself, or themselves of a Power of redeeming the same, his, her, or their Assignee or Assignees shall have the same Right and Power of Redemption as the Insolvent or Insolvents would have had if the Assignment had not been made.

Where a Petitioner is beneficially entitled to Stock, Court may order Transfer thereof.

XLV. And be it enacted, That if any Insolvent or Insolvents shall, at the Time of filing his, her, or their Petition for Relief in any such Court for the Relief of Insolvent Debtors, or at the Time of any such Adjudication of an Act of Insolvency as aforesaid, or at any Time before he or she shall become entitled to his or her final Discharge according to this Act, have any Government Stock, Funds, or Annuities, or any of the Stock of any Public Company either in *England*, *Scotland*, or *Ireland*, standing in his, her, or their own Name or Names, in his, her, or their own Right, it shall be lawful for such Court, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid, and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent; and no Dividend shall be payable to, nor any future Transfer made by, any Person of any such Stock, Funds, or Annuities,

ties, except under a Power of Attorney in the usual Form required for the Receipt of Dividends upon or transfer of such Stock, Funds, and Annuities respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, one of whom shall be an Officer of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

Assignees may make Composition for the Rights and Dues of the Petitioners.

XLVI. And be it further enacted, That after the Hearing of any such Petition and Schedule as herein-before mentioned it shall be lawful for the Assignee or Assignees, by and with the Approbation of such Court, and by and with the Consent of any Creditors whose Claims after such Hearing shall appear to amount to more than Half of all the Debts due from the Insolvent to Persons resident within the *British* Territories in the *East Indies*, to take such reasonable Part of any Debts due to the Petitioner or Petitioners, as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees, and any other Person or Persons, for or on account or by reason of any thing relating to the Estate and Effects of such Prisoner.

Assignees may prosecute and defend Actions at Law and Suits in Equity, with the Approbation of the Court and Consent of Creditors.

XLVII. And be it further enacted, That it shall be lawful for the Assignee or Assignees, by and with the like Approbation and Consent, to commence and prosecute or defend any Suits or Actions at Law or in Equity which the Insolvent or Insolvents might have commenced and prosecuted or defended, and to defray the Costs to which he or they may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent or Insolvents; and if there be any Partner or Partners of the Insolvent or Insolvents who hath not or have not joined in the Petition, it shall be lawful for the Court to authorize the Assignee or Assignees to join such Partner or Partners with himself or themselves as Plaintiffs in such Suit or Action; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner or Partners, if he, she, or they shall take no Part in the Prosecution or Defence of such Suit or Action, shall not be liable to pay Costs in respect of the same.

Assignees may execute Powers vested in Insolvents.

XLVIII. And be it further enacted, That all Powers vested in any such Insolvent or Insolvents as are afore-mentioned, which he, she, or they might lawfully execute, for his, her, or their Benefit, might be executed by his, her, or their Assignees, for the Benefit of his, her, or their Creditors.

Assignees shall sell the Property, unless the Court direct otherwise.

XLIX. And be it further enacted, That from Time to Time as Possession is obtained of any of the Estate or Effects of any Insolvent or Insolvents, the Assignee or Assignees shall with all convenient Speed make Sale of the same; subject nevertheless to the Direction and Controul of the Court by Authority of which he or they shall have been appointed, in case any Application shall be made to such Court by any Insolvent, or any Creditor or Mortgagee, in all which Cases such Court shall have full Power and Authority to delay or

postpone the Sale of any Property, and to make such other Order regulating the same as to such Court shall seem meet.

Court may defer the Sale of Property, if it shall think proper.

L. And whereas the Insolvents may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or may have made Advances of Money for the Cultivation of Lands, or may be interested in Property in other Ways, in which the immediate Sale thereof for Payment of their Debts may be very prejudicial to them and to their Creditors, and it may be proper in some Cases to defer the Sale of such Property, and to put it under temporary Management, or to authorize the raising of Money by way of Mortgage for Payment of the Debts or Part of the Debts of an Insolvent, and for defraying the Expences attending the Execution of this Act, instead of selling for such Purpose; be it enacted, That in all such Cases it shall be lawful for the said Courts for Relief of Insolvent Debtors at any Time to take into Consideration all Circumstances affecting any Property of the Prisoner which shall have been assigned under the Provisions of this Act; and if it shall appear to any such Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately, according to the Provisions of this Act, shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed, for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected, according to the Provisions of this Act, and to make such Order touching the Sale or Disposition of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions, with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent or Insolvents can be discharged by means of Money raised by way of Mortgage on any of the said Property of the said Insolvent or Insolvents, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent or Insolvents, as may be most consistent with the Interest of such Petitioner or Petitioners, and of his, her, or their Creditor or Creditors.

Assignees to render Accounts to the Court.

LI. And be it further enacted, That the Assignee or Assignees of all such Insolvents as are herein-before mentioned shall keep Accounts of the Property, Debts, and Credits of such Insolvents, whether belonging or due to or from such Insolvents solely, or jointly with any other Person or Persons, wherein they shall enter all Property of the Insolvents received by them, and all Payments made by them; which Accounts any Creditors may inspect at all seasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors at all Times to summon the Assignees before them, and require them to produce all Books, Papers, Deeds, Writings, and other Documents in their Possession, which in any way relate to the Petition of the Insolvent or Insolvents; and if such Assignee or

Assignees

Assignees so summoned shall not come before such Courts respectively at the Time appointed, or shall not bring with him or them such Documents as are afore-mentioned, it shall be lawful for such Courts respectively to issue Attachments, and to cause such Assignee and Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Court shall declare Dividends.

LII. And be it further enacted, That whenever it shall appear by the Accounts of any Assignee or Assignees that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for any Court for the Relief of Insolvent Debtors to summon before it the Assignee or Assignees, and to direct that such Public Notice as to the Court may seem meet shall be given of a further Hearing of the Petition on a Day certain, for the Purpose of making a Dividend; and on the Day so fixed the Insolvent or Insolvents, and Assignee or Assignees, and any Creditors who shall be willing to do so, shall attend the Court, and all Objections to the Schedule of the Insolvent or Insolvents, and to the Accounts or Conduct of the Assignees, and any Claims of any Creditors which shall not have been previously determined, shall be then heard and determined, either by such Court immediately, or upon a Reference to the Examiner or other proper Officer of such Court; and it shall be lawful for such Court to examine the Insolvent or Insolvents, Assignees, and any Witnesses, on Oath, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration and Direction of the same until a further Hearing, and to make such Order in the Matter of the Petition, and respecting the same, as shall be most conducive to the Attainment of the Benefit intended by the several Provisions of this Act.

No Dividend to joint Creditors from separate Estate until separate Creditors paid in full, nor é converso.

LIII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate, until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate, until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors, out of such Interest in the joint Estate, as such Insolvent shall appear to be separately entitled to.

A certain Part of an Insolvent's Property to be reserved for a limited Time.

LIV. Provided always, and be it further enacted, That unless it shall appear, upon reasonable Proof to be made to the Satisfaction of such Court for the Relief of Insolvent Debtors, and be so certified by such Court, that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the said United Company, then, until the Expiration of Twelve Calendar Months from the Notice in the *London Gazette* of the Petition of any Insolvent, as herein-before mentioned, the Assignee or Assignees appointed by such Court shall reserve the full Amount of One Third Part of the Property of the said Insolvent collected in and received by such Assignee or Assignees, and shall make a Dividend among the Creditors of the said Insolvent to the Amount

of

of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed among the Creditors as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British*, upon a just and equal Footing, and so as that every Creditor shall receive a rateable and proportionable Part of the Assets of the said Insolvent, according to the Amount of his Debt, and whether such Debt be inserted or omitted in the Schedule, or whether the same shall have been rightly inserted or not, and without reference to the Time at which such Debt shall have been claimed.

Court to direct what is to be done with the Money of absent Creditors.

LV. And be it further enacted, That if any Creditor whose Claim shall have been established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his, her, or their Share thereof, the Assignee or Assignees shall certify the same to such Court at its First Sitting after the making of the Dividend; and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions, the Money so due to such Creditor or Creditors shall be kept for or paid to him, her, or them, or to his, her, or their lawful constituted Attorney.

Assignees to make Compensation to the Petitioners or their Creditors, for any Losses which may be occasioned by their Misconduct.

LVI. And be it further enacted, That if any Assignee or Assignees shall neglect to account, or to pay any Difference which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect his or their Duty as Assignee or Assignees, it shall be lawful for such Court to summon such Assignee or Assignees, and to inquire into such Neglect; and if such Court shall be of opinion that the Insolvent or Insolvents, or his, her, or their Creditors, have suffered any Injury by the Fault of the Assignee or Assignees, it shall be lawful for such Court to order the Assignee or Assignees to make such Compensation for the same as to such Court shall seem fit; and in default of the Assignee or Assignees obeying the Summons of such Court, or making such Compensation as shall be ordered by such Court, it shall be lawful for such Court to commit the Assignee or Assignees who shall have so offended to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court; or to levy, by Distress and Sale of the Offender's Goods, so much as shall be sufficient to make the Compensation which shall have been ordered by such Court.

In certain Cases, Discharge to be at any Period not later than Three Years from petitioning.

LVII. And be it further enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors, that any such Insolvent has fraudulently, with Intent to conceal the State of his or her Affairs, or to defeat the Objects of this Act, destroyed, or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his or her Affairs as are subject to Investigation under this Act; or kept or cause to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified, any such Book, Paper, or Writing; or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his or her Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent; or made away with, charged, mortgaged, or concealed any Part of his or her Property, of what kind soever; then it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in Custody, at the Suit of some one or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Three Years in the whole, as such Court shall direct, to be computed from the Date of his or her Petition.

In other Cases, Discharge to be at any Period not later than Two Years from petitioning.

LVIII. And be it further enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of the Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation, at the Time when contracted, of paying the same; or shall have put any of his or her Creditors to any unnecessary Expence, by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or any Sum of Money due from such Insolvent; or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a Malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a Malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear, to the Satisfaction of such Court, that the Injury complained of was malicious; then it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to such Debts, Sum or Sums of Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he or she shall have been in Custody, at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, to be computed as aforesaid.

Court may order Costs in certain Cases to be

LIX. And be it further enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove, to the Satisfaction of any such Court, that such Insolvent has done or

committed any Act for which upon such Adjudication as aforesaid he or she may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, such Court shall adjudge the Taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

paid to Creditors out of Insolvent's Estate.

Costs in Cases of frivolous Opposition.

LX. And be it enacted, That where, in the Matter of any such Petition heard before any such Court, any Adjudication shall have been made by such Court for Discharge of any Insolvent, Order shall be made accordingly by the said Court in pursuance of such Adjudication, and such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take effect as from the Day on which the Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he or she may be adjudged to be so discharged and entitled at some future Period: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Insolvent shall have been adjudged to be discharged out of Custody, he or she being then in Custody thereupon, shall be specified in the Warrant of such Court to be delivered to the Gaoler in that Behalf.

Court to make Order pursuant to Adjudication, and issue Warrant.

Proviso.

LXI. And be it further enacted, That every such Adjudication for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, and the Order thereupon, so made as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained, in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice, to be given to such Persons

Adjudication and Order to be final, unless obtained on false Evidence, &c. in which Case Court may order a Rehearing.

Persons and in such Manner as the said Court shall direct, to attend or to be brought up, and the said Matter to be reheard before the said Court, who shall thereupon rehear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Rehearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her, as if such former Adjudication had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court, according to such Order for rehearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended, and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such Rehearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall have been out of Custody since the Time appointed for his or her Discharge by such former Adjudication as aforesaid.

Insolvent may, after Discharge, be examined as to the Estate and Effects, on Application of the Assignee.

LXII. And whereas the Estate, both Real and Personal, of any Person whose Discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his or her Schedule so sworn to as aforesaid, or the Assistance of such Person may be necessary to adjudge, make out, recover, or manage his or her Estate and Effects, for the Benefit of his or her Creditors; be it therefore enacted, That it shall and may be lawful to and for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, in case such Person shall, upon Application to him or her for that Purpose, have refused or neglected to give the necessary Information, from Time to Time to apply to the Court by which any such Adjudication shall have been pronounced, that such Person may be further examined as to any Matters or Things relating to his or her Estate and Effects by such Court; and thereupon, and also in case such Person shall neglect

neglect or refuse to appear before such Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn, or to answer such Questions as shall be put to him or her relating to the Discovery of his or her said Estate and Effects, then and in any of such Cases it shall be lawful for such Court, by Warrant, to commit such Person to Gaol, there to remain without Bail or Mainprize until such Time as he or she shall submit himself or herself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him or her, in pursuance of the same, for the Purposes aforesaid.

Court may in certain Cases discharge the Insolvent from all Liability in respect of the Debts specified.

LXIII. And be it further enacted, That whenever it shall be made to appear to the Satisfaction of any Court for Relief of Insolvent Debtors, upon the Application of any Insolvent, his Assignee or Assignees, or any of his or her Creditors, that the Estate of such Insolvent Debtor which shall have come to the Hands of the Assignee or Assignees shall have produced sufficient to pay and discharge Three Fourths of the Amount of the Debts which shall have been established in such Court, or that Creditors to the Amount of more than One Half in Number and Value of the Debts which shall have been so established shall signify their Consent in Writing thereto, it shall be lawful for such Court to inquire into the Conduct of the said Insolvent; and if it shall appear to such Court that the said Insolvent has acted fairly and honestly towards his or her Creditors, such Court shall be fully authorized and empowered thereupon to order that the said Insolvent shall be for ever discharged from all Liability whatsoever for or in respect of such Debts so established as aforesaid; and such Court shall, in the Order to be drawn up, specify and set forth the Names of such Creditors; and after any such Order shall have been so made, no further Proceedings shall be had in the Matter of the Petition before the Court, unless upon Appeal made to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden, as hereby authorized: Provided always, that no such Order as last aforesaid shall prevent any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last mentioned, and who shall not have taken part in any of the Proceedings under the said Petition, from bringing any Suit or Action in the *East Indies*, for the Purpose of obtaining Execution against the Goods, Estate, or Effects of such Insolvent, for any unsatisfied Claim of such Creditor, nor from bringing any Suit or Action for such Claim in any Court of the United Kingdom of *Great Britain* and *Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner, and with the like Consequences and Effects, as if such Order as last mentioned had not been made.

Order of Discharge not to affect Creditors residing out of the Limits at the Time.

Remedy for unlawful Proceedings against Petitioner after final Order.

LXIV. And be it further enacted, That if after the making of any such Order as last aforesaid any Insolvent shall, contrary to the Tenor of the same, and to the true Intent and Meaning of this Act, be sued in any Court whatsoever, it shall be lawful for such Person to

to plead such Order, and to give an Office Copy thereof in Evidence; and if such Person shall thereupon obtain a Verdict or Decree in his or her Favour, or if the Bill shall be dismissed for Want of Prosecution, or there shall be Judgment of Nonsuit, the Defendant or Defendants shall also be adjudged to have Treble Costs.

Where Adjudication of Discharge at a future Period, the Petitioner may be arrested, &c. till Period arrives.

LXV. Provided always, and be it enacted, That in all Cases where it shall have been adjudged that any such Insolvent shall be so discharged and be entitled as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so adjudged, at any Time before such Period shall have arrived, in the same Manner as he or she would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he or she may have been out of actual Custody during all or any Part of the Time subsequent to such Adjudication, by reason of such Prisoner not having been arrested or detained during such Time or any Part thereof.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Five Sicca Rupees per Week.

LXVI. And be it further enacted, That in all Cases where such Insolvent shall, upon such Adjudication as aforesaid, be liable to further Imprisonment at the Suit of his or her Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the Court by which such Adjudication shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he or she shall be so imprisoned to pay to such Insolvent such Sum or Sums of Money, not exceeding the Rate of Five Sicca Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportions as such Court shall direct; and that, on Failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Special Provisions for Insolvent Married Women.

LXVII. And be it further enacted, That if any Married Woman, being a Prisoner, or in insolvent Circumstances, within the Intent and Meaning of this Act, shall petition to be discharged for any Debt or Debts under the Provisions of the same, it shall be lawful for any Court for the Relief of Insolvent Debtors to which such Petition shall be presented to receive the same, without requiring such Married Woman to execute such Conveyance or Assignment as may be lawfully required for other Petitioners according to the Provisions of this Act, but instead thereof such Court shall require such Married Woman to execute a Conveyance and Assignment for vesting in an Assignee or Assignees appointed by such Court, all Property, Real and Personal, to which she may be entitled for her separate Use, whether in Possession, Remainder, Reversion, or Expectancy, or over which she shall have any Power of Disposition notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee, or other Person or Persons, for her Benefit, and to deliver up all Personal Estate and Effects of which she shall have the actual Possession, except such as she may be permitted by such Court to retain, subject

only to such Right, Title, or Interest as her Husband may have in the aforesaid Real and Personal Property; all which Acts she is hereby empowered to do without her Husband, notwithstanding her Coverture, so nevertheless as not to prejudice any Right of her Husband in such Real and Personal Estate and Effects respectively; and all such Estate and Effects, Real and Personal, in Possession, Reversion, or Remainder, shall, by such Conveyance and Assignment so to be executed under the Order of such Court, be as effectually vested in the Assignee or Assignees as the same might have been vested in such Assignee or Assignees by the Conveyance or Assignment of such Woman if she had been sole and unmarried, subject only to the Rights of her Husband therein as aforesaid; and all Provision in this Act contained, touching the Real and Personal Estate of any Petitioner or Petitioners seeking to be relieved under the Authority of the same, shall apply to such Real and Personal Estate and Effects of such Married Woman, in the same Manner as the same would apply to such Personal Estate.

Insolvent Lunatics.

LXVIII. And be it further enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act, in such Manner as he or she might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein the Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court shall thereupon issue a Commission to some competent Person or Persons to inquire, examine, and report to such Court touching and respecting the State of the Prisoner's Mind; and such Court may either confirm or set aside the Report of such Commissioner or Commissioners, and may, if it think fit, make further Inquiry by Examination of Witnesses upon Oath; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for such Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be Twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application will be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the First Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed accordingly, and discharge such Prisoner: Provided always, that all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which if such Prisoner were of sound Mind could and ought to be assigned by such Prisoner pursuant to the Provisions of this Act, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the common or other Assignee or Assignees appointed by such Court, as fully and effectually, and in the same Manner, and with all and every the same Consequence and Effect, both in Fact and Law, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such common or other Assignee at the Time and in the Manner in this Act provided.

LXIX. And

Warrants of Attorney and Cognovits shall be void, unless filed in Six Weeks after Execution.

LXIX. And be it further enacted, That after the Time appointed for this Act to take effect, every Warrant of Attorney to confess Judgment in any Personal Action, in any of His Majesty's Courts of Record within the *British* Territories under the Government of the said United Company, and every Cognovit Actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit Actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null or void to all Intents and Purposes.

Prothonotary, &c. to keep Books for the Registry of Warrants and Cognovits.

3 G. 4. c. 39.

LXX. And be it further enacted, That the Prothonotary or other proper Officer of His Majesty's Court of Record within the *British* Territories under the Government of the said United Company shall cause every Warrant of Attorney and Cognovit Actionem in any Personal Action, filed in his Office, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an Alphabetical List of all such Warrants and Cognovits, according to the Form of a Schedule annexed to an Act passed in the Third Year of His present Majesty, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*; which Book or Books, and every Warrant of Attorney and Cognovit Actionem filed as aforesaid, shall be searched and viewed at all Times, upon Payment of the Fees lawfully established.

Court may order Memorandum of Satisfaction to be indorsed.

LXXI. And be it further enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged.

Penalty for Perjury.

LXXII. And be it further enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law, to order and adjudge such Person, if convicted in the said United Kingdom, to be transported for any Term not exceeding Seven Years, or if convicted in the *East Indies*, to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner, as the same Court shall direct.

LXXIII. And

Penalty for Embezzlement or Concealment of Effects.

LXXIII. And be it further enacted, That if any Insolvent or other Person shall wilfully and fraudulently embezzle or conceal any Part of the Real and Personal Estate or Effects of any Insolvent or Insolvents who shall have filed a Petition for Relief, or against whom any Petition shall have been filed in any of the said Courts for the Relief of Insolvent Debtors, such Person shall be guilty of a Misdemeanor; and it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law, to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner, as the same Court shall direct.

Application of Fines imposed for the foregoing Offences.

LXXIV. And be it further enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery, Perjury, Embezzlement, or Concealment, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested, according to the Provisions of this Act, to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in Trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, or Concealment, the said Court by which the said Fine shall have been imposed shall pay the same, after deducting the Costs of Prosecution, to the said Assignee or Assignees for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed, to appropriate, apply, and pay over such Fine to such Uses, Purposes, and Persons, and in such Manner as any other Fine imposed by the same Court for any Forgery, Perjury, or other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

Mode of taking Affidavits.

LXXV. And be it enacted, That all Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, shall and may be sworn and affirmed before such Court, or any Commissioner or other Person appointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of His Majesty's Courts of Record within the Limits of the said United Company's Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*.

No Person having had the Benefit of this Act shall have it again within Five

LXXVI. Provided always, and be it further enacted, That no Person who shall have been at any Time discharged by virtue of this Act shall again be entitled to the Benefit thereof within the Space of Five Years after such Discharge, unless a Majority in Number and Value of the Creditors against whom such Person shall seek to be discharged

Years, except in certain Cases.

by virtue of this Act shall signify his, her, or their Assent to such Discharge, or unless it shall be made to appear to the Satisfaction of the Court for the Relief of Insolvent Debtors, to which Application for such Discharge shall be made, that such Person has since his or her former Discharge endeavoured by Industry and Frugality to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred subsequent to such former Discharge have been necessarily incurred for the Maintenance of such Person, or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or from Inability to acquire Subsistence for himself or herself, and his or her Family.

In Actions under this Act the General Issue may be pleaded.

LXXVII. And be it further enacted, That if any Action of Escape, or any other Suit or Action, shall be brought against any Magistrate or Officer or any other Person for performing the Duty of his Office or Appointment in pursuance of this Act, he or they may plead the General Issue, and give this Act in Evidence; and if the Plaintiff shall be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment shall be given for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

Officer of Court to produce Proceedings, and give Copies.

LXXVIII. And be it further enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his or their Attorney, produce and shew to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition and other Proceedings, or of such Part thereof as shall be required, receiving such Fee as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, or other Proceeding, and sealed with the Seal of the said Courts respectively, shall, at all Times be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, as sufficient Evidence of the same, without any Proof whatever given of the same, further than that the same is sealed with the Seal of such Courts respectively as aforesaid.

Proceedings not liable to Stamp Duty, &c.

LXXIX. And be it further enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such

Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever, and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Courts may make Rules for facilitating the Relief hereby intended.

LXXX. And be it further enacted, That His Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, shall respectively have Power to make all necessary and reasonable Rules for facilitating and carrying into Effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient Provision has not been thereby made.

Continuance of Act.

LXXXI. And be it further enacted, That this Act shall continue in force until the First Day of *March* One thousand eight hundred and thirty-three.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXIV.

An Act for improving the Administration of Criminal Justice in the *East Indies*. [25th *July* 1828.]

WHEREAS many wholesome Alterations have lately been made in the Criminal Law of *England*, and the Administration thereof, by Authority of Parliament; and it is expedient that some of the said Alterations should be extended to the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect on and from the First Day of *March* One thousand eight hundred and twenty-nine, and shall extend to all Persons and all Places, as well on Land as on the High Seas, over whom or which the Criminal Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies* does or shall hereafter extend.

From the 1st of March 1829 this Act to take effect throughout the Jurisdiction of the King's Courts in the East Indies.

II. And be it enacted, That where any Person shall be taken on a Charge of Felony or Suspicion of Felony before One or more Justice or Justices of the Peace, and the Charge shall be supported by positive and credible Evidence of the Fact, or by such Evidence as if not explained or contradicted shall in the Opinion of the Justice

Who may be admitted to Bail on a Charge of Felony, and who may not.

or Justices raise a strong Presumption of the Guilt of the Person charged, such Person shall be committed to Prison by such Justice or Justices in the Manner herein-after mentioned; but if there shall be only One Justice present, and the whole Evidence given before him shall be such as neither to raise a strong Presumption of Guilt nor to warrant the Dismissal of the Charge, such Justice shall order the Person charged to be detained in Custody until he or she shall be taken before Two Justices at the least; and where any Person so taken, or any Person in the first Instance taken before Two Justices of the Peace, shall be charged with Felony or on Suspicion of Felony, and the Evidence given in support of the Charge shall in their Opinion not be such as to raise a strong Presumption of the Guilt of the Person charged, and to require his or her Committal, or such Evidence shall be adduced on behalf of the Person charged as shall in their Opinion weaken the Presumption of his or her Guilt, but there shall notwithstanding appear to them, in either of such Cases, to be sufficient Ground for judicial Inquiry into his or her Guilt, the Person charged shall be admitted to Bail by such Two Justices in the Manner herein-after mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear Evidence on behalf of any Person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the Ends of Justice to hear the same: Provided also, that in all Cases where any Person or Persons charged as aforesaid shall be brought before One Justice, at any Place beyond the local Limits of the Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* Territories under the Government of the said United Company, it shall be lawful for such Justice alone either to commit such Person to Prison or to admit him to Bail as herein-before directed.

Before any Person charged with Felony, &c. shall be bailed or committed, the Justices shall take down in Writing the Examination, &c. and bind Witnesses to appear at the Trial.

III. And be it enacted, That the Justice or Justices of the Peace, before he or they shall admit to Bail or commit to Prison any Person arrested for Felony or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and the Two Justices shall certify such Bailment in Writing; and every such Justice shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching any such Felony or Suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court or Sessions of the Peace, at which the Trial thereof is intended to be, then and there to prosecute or give Evidence against the Party accused; and such Justices and Justice respectively shall subscribe all such Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Examinations, &c. to be delivered to the Court.

Duty of Justice on Charges of Misdemeanor.

IV. And be it enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much

thereof as shall be material, into Writing, before he shall commit to Prison or require Bail from the Person so charged; and in every Case of Bailment shall certify the Bailment in Writing, and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like Manner as in Cases of Felony; and shall subscribe all Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court, in like Manner as in Cases of Felony.

Duty of Coroner.

V. And be it enacted, That every Coroner, upon any Inquisition before him taken, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material, and shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching the said Manslaughter or Murder, or the said Offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court or Sessions, at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Penalty on Justices and Coroners.

VI. And be it enacted, That if any Justice or Coroner shall offend in any thing contrary to the true Intent and Meaning of these Provisions, the Court to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, shall, upon Examination and Proof of the Offence in a summary Manner, set such Fine upon every such Justice or Coroner as the Court shall think meet.

Accessory before the Fact may be tried as such, or as a substantive Felon, by any Court which has Jurisdiction to try the principal Felon, although the Offence be committed on the Seas or Abroad.

VII. And for the more effectual Prosecution of Accessories before the Fact to Felony, be it enacted, That if any Person shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the Person so counselling, procuring, or commanding shall be deemed guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the

the principal Felony, although such Offence may have been committed either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony, and the Offence of counselling, procuring, or commanding, shall have been committed in different Places, the last-mentioned Offence may be inquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory before the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

If the Offence be committed in different Places, Accessory may be tried in any of the King's Courts in India having Jurisdiction.

VIII. And be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Offence of such Person may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason whereof such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed either on the High Seas or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony, and the Act by reason whereof any Person shall have become accessory, shall have been committed in different Places, the Offence of such Accessory may be inquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences: Provided always, that no Person who shall be once duly tried for any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

If the Offence be committed in different Places, Accessory may be tried in any Court having Jurisdiction.

IX. And be it enacted, That if any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall suffer the same Punishment, if he or she be in anywise convicted, as he should have suffered if the Principal had been attainted.

Accessory may be prosecuted after Conviction of the Principal, though the Principal be not attainted.

X. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named, and another or others, as the Case may be; and whenever in any Indictment or Information for any Felony or Misdemeanor it shall be necessary to mention, for any Purpose whatsoever, any Partners,

In Indictments for Offences committed on the Property of Partners, it may be laid in any one Partner by Name, and others.

Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

Indictment not to abate by dilatory Plea of Misnomer.

XI. And be it enacted, That no Indictment or Information shall be abated by reason of any dilatory Plea of Misnomer, or of Want of Addition, or of wrong Addition of the Party offering such Plea, if the Court shall be satisfied by Affidavit or otherwise of the Truth of such Plea, but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What Defects shall not vitiate an Indictment after Verdict, or otherwise.

XII. And be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether after Verdict or Outlawry, or by Confession, Default, or otherwise, shall be stayed or reversed for Want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the "Record," or of the Words "with Force and Arms," or of the Words "against the Peace;" nor for the Insertion of the Words "against "the Form of the Statute" instead of the Words "against the Form "of the Statutes," or *vice versâ;* nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by the Name of Office or other descriptive Appellation instead of his, her, or their proper Name or Names; nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened; nor for Want of a proper or perfect Venue, where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

What shall not be sufficient to stay or reverse Judgment after the Verdict.

XIII. And be it enacted, That no Judgment after Verdict, upon any Indictment or Information for any Felony or Misdemeanor, shall be stayed or reversed for Want of a Similiter, nor by reason that the Jury Process has been awarded to a wrong Officer, or upon an insufficient Suggestion, nor for any Misnomer or Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged has been created by any Statute, or subjected to a greater Degree of Punishment, the Indictment or Information shall, after Verdict, be held sufficient to warrant the Punishment prescribed by the Statute, if it describe the Offence in the Words of the Statute.

A Plea of Not guilty shall put the Prisoner on his Trial by Jury.

XIV. And be it enacted, That if any Person, being arraigned upon any Indictment or Inquisition for Treason, Felony, or Piracy, shall plead thereto a Plea of Not guilty, he shall by such Plea, without any further Form, be deemed to have put himself upon the Country for

for Trial, and the Court shall in the usual Manner order a Jury for the Trial of such Person accordingly.

If he refuse to plead, Court may order a Plea of Not guilty to be entered.

XV. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment, Inquisition, or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute, or will not answer directly to such Indictment, Inquisition, or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of Not guilty on behalf of such Person, and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

Every Challenge beyond the legal Number shall be void.

XVI. And be it enacted, That if any Person arraigned upon any Indictment or Inquisition for any Treason, Felony, or Piracy shall challenge peremptorily a greater Number of the Men returned to be of the Jury than such Person is entitled by Law so to challenge in any of the said Cases, every peremptory Challenge beyond the Number allowed by Law in any of the said Cases shall be entirely void, and the Trial of such Person shall proceed as if no such Challenge had been made.

Attainder of another Crime not pleadable.

XVII. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Offence stated in the Plea be substantially the same Offence as that charged in the Indictment.

Jury not to inquire of Prisoner's Lands, &c.

XVIII. And be it enacted, That where any Person shall be arraigned upon any Indictment or Inquisition for Treason or Felony, the Jury impannelled to try such Person shall not be charged to inquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Benefit of Clergy abolished.

XIX. And be it enacted, That Benefit of Clergy with respect to Persons convicted of Felony shall be abolished.

What Felonies only shall be capital.

XX. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before the Day herein-before mentioned for this Act taking effect, or which shall be made punishable with Death by this Act or by some Statute to be passed hereafter.

Felonies not capital to be punished under the Acts, if any, relating thereto, otherwise under this Act.

XXI. And be it enacted, That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

XXII. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet. The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

XXIII. And be it enacted, That wherever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded. If a Person under Sentence for another Crime is convicted of Felony, the Court may pass a Second Sentence, to commence after the Expiration of the First.

XXIV. And be it enacted, That if any Person shall be convicted of any Felony not punishable with Death, committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Three Sicca Rupees, and no more, shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Person other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk, Officer, or Deputy, or if any Person shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Punishment for a subsequent Felony. Form of Indictment for the subsequent Felony. What will be sufficient Proof of the first Conviction. Punishment for signing or uttering false Certificate of Conviction.

exceeding Two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Admiralty Offences.

XXV. And be it enacted, That all Offences prosecuted in any of His Majesty's Courts of Admiralty shall, upon every first and subsequent Conviction, be subject to the same Punishments, whether of Death or otherwise, as if such Offence had been committed upon the Land.

Rule for interpreting all Criminal Statutes.

XXVI. And be it enacted, That wherever this or any other Statute relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence or the Subject Matter thereof, or the Offender, or the Party affected or intended to be affected by the Offence, shall use Words importing the Singular Number or the Masculine Gender only, yet the Statute shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Court may abstain from pronouncing Sentence of Death on Persons convicted of any Felonies, except Murder.

XXVII. And be it enacted, That whenever any Person shall be convicted of any Felony, except Murder, for which he shall by Law be liable to suffer Death, and the Court before which such Offender shall be convicted shall be of Opinion that the particular Circumstances of the Case do not require that Judgment of Death should be pronounced, but that such Offender is a fit and proper Subject either to be recommended to the Royal Mercy, or to be ordered to be transported under the Authority of this Act, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper Officer then being present in Court to require and ask, whereupon such Officer shall require and ask, if such Offender hath or knoweth any thing to say why Judgment of Death should not be recorded against such Offender; and in case such Offender shall not allege any Matter or Thing sufficient in Law to arrest or bar such Judgment, the Court shall and may and is hereby authorized to abstain from pronouncing Judgment of Death upon such Offender, and instead of pronouncing such Judgment, to order the same to be entered of Record, and thereupon such proper Officer as aforesaid shall and may and is hereby authorized to enter Judgment of Death on Record against such Offender in the usual and accustomed Form, and in such and the same Manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such Offender by the Court before which such Offender shall have been convicted.

Record of Judgment to have same Effect as if pronounced.

XXVIII. And be it further enacted, That a Record of every such Judgment so entered as aforesaid shall have the like Effect to all Intents and Purposes, and be followed by all the same Consequences, as

as if such Judgment had actually been pronounced in open Court, and the Offender had been reprieved by the Court.

Court may order Capital Offenders to be transported instead of being left for Execution.

XXIX. And be it enacted, That when any Person shall be convicted of any Felony for which Judgment of Death shall be pronounced or recorded against him, it shall and may be lawful for the Court, instead of leaving such Judgment of Death to be executed on such Offender, to order such Offender to be transported to such Place as the Court shall direct, either for Life or for such Term of Years as the Court shall order.

For Performance of such Orders of Transportation.

Proviso for certain Natives of India.

XXX. And be it enacted, That where any Offender shall be ordered or sentenced to be transported by any Court, the Governor in Council of the Presidency, or other Chief Officer of the Place where the Conviction shall be had, shall and he is hereby required to take Order for the due Performance of such Sentence of Transportation accordingly: Provided always, that it shall not be lawful for any such Court to order the Transportation of any Person, being a Native of the *East Indies* and not born of *European* Parents, to the Eastern Coast of *New South Wales*, or any of the Islands adjacent thereto.

Persons returning from Transportation into the Territories of the Company, &c.

His Majesty may extend His Mercy to Offenders.

XXXI. And be it enacted, That if any Offender who shall be ordered by any Court to be transported for any Term, of Life or Years, shall be found within any of the *British* Territories within the Limits of the said United Company's Charter, except the Place to which he shall have been so ordered to be transported, or shall come into any Part of this United Kingdom, before the End of his Term, and shall be convicted thereof, he shall be liable to be punished as a Person attainted of Felony, and to suffer Death accordingly: Provided nevertheless, that nothing herein contained shall be construed or taken to prevent His Majesty from extending His Royal Mercy to any such Offender, and allowing his Return from such Place of Transportation.

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

XXXII. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law or by virtue of any Statute, against any Person, for forging or counterfeiting any Deed, Writing, Instrument, or other Matter whatsoever, or for uttering any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged or counterfeited, or for being accessory before or after the Fact to any such Offence, if the same be a Felony, or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor, no Person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

Effect of free or conditional Pardon to a Convict.

XXXIII. And be it declared and enacted, That where the King's Majesty shall be pleased to extend His Royal Mercy to any Offender convicted of any Felony punishable with Death or otherwise, and by Warrant under his Sign Manual, countersigned by One of His Principal Secretaries of State, shall grant to such Offender either a free

or a conditional Pardon, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the Case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

XXXIV. And be it enacted, That where any Offender hath been or shall be convicted of any Felony, and hath endured or shall endure the Punishment which hath been or shall be adjudged or ordered in respect thereof, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal, as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after Punishment.

XXXV. And be it enacted, That where any Offender hath been or shall be convicted of any Misdemeanor which renders the Parties convicted thereof incompetent Witnesses, (except Perjury or Subornation of Perjury,) and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

Affirmations of Quakers or Moravians, &c. to be admitted in all Cases.

XXXVI. And be it enacted, That every Quaker or Moravian, who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, "I *A.B.* do solemnly, sincerely, "and truly declare and affirm;" and that every Native of any Country within the Limits of the Charter of the said United Company, who may be required to give Evidence in any Case whatsoever, Criminal or Civil, and who shall object on the Ground of any religious Scruple to take an Oath in the usual Form, may, at the Discretion of the Court, be permitted to make his or her solemn Affirmation or Declaration in such Manner and Form as the Court shall deem sufficiently binding upon his or her Conscience, which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice and other Places, where by Law an Oath is required, as if such Quaker, Moravian, or Native had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and

Forfeitures to which Persons convicted of wilful and corrupt Perjury are subject.

All Persons to be sworn according to the Forms of their respective Religions.

XXXVII. And be it enacted, That all Persons who by any Laws are now required to take an Oath upon the Holy Evangelists, or in any other Manner, for the Purpose of sitting or acting as Members of any Court, Civil or Criminal, or for any other Purpose whatsoever, may, instead thereof, be sworn according to the Forms of their respective Religions.

Aiders and Abettors in Felonies and Misdemeanors against this Act.

XXXVIII. And be it enacted, That in case of any Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act, (except only a Receiver of stolen Property,) and an Accessory after the Fact to Murder, shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Aiders and Abettors in Offences punishable on a summary Conviction.

XXXIX. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice of the Peace, be liable for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

A Person may be apprehended in the Act of committing an Offence.

XL. And be it enacted, That any Person found committing any Offence punishable either upon Indictment or upon summary Conviction by virtue of this Act, may be immediately apprehended without a Warrant by any Peace Officer, or by the Party aggrieved, or by his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and if in his Power is required, to apprehend and forthwith to carry before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

A Justice, upon good Grounds of Suspicion, may grant a Search Warrant.

A Person to whom Property suspected to be stolen, &c. is offered, may seize the Party offering.

XLI. And

Summary Proceedings shall be commenced within Three Months.

XLI. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

XLII. And be it enacted, That where any Person shall be charged on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Application of Forfeitures and Penalties on summary Convictions.

XLIII. And be it enacted, That every Sum of Money which shall be forfeited for the Value of any Property stolen or taken, or for the Amount of any Injury done, (such Value or Amount to be assessed in such Case by the convicting Justice,) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in Proof of the Offence; or when the Party aggrieved is unknown, such Sum shall be applied in the same Manner as the Penalty: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property, or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by one of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein directed to be applied.

Proviso.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

XLIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid either immediately after the Conviction or within such Period as the Justice shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Calendar Months, where the Amount of the Sum forfeited or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Fifty Sicca Rupees, and for any Term not exceeding Four Calendar Months, where

where the Amount, with Costs, shall not exceed One hundred Sicca Rupees, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount, with Costs.

The Justice may discharge the Party from his Conviction in certain Cases.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XLVI. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Form of Conviction.

XLVII. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord at [*as the Case may be*] *A.O.* is convicted before me *I.P.*, One of His Majesty's Justices of the Peace for for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be, and on a Second Conviction state the First Conviction,*] and I the said *I.P.* adjudge the said *A.O.* for the said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour for the Space of ;] *or*, I adjudge the said *A.O.* for his said Offence to forfeit and pay [*here state the Penalty actually imposed, or state the Penalty, and also the Value of the Articles stolen, or the Amount of the Injury, and as the Case may be,*] and also to pay the Sum of for Costs; and in default of immediate Payment of the said Sums, to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sums shall be sooner paid; [*or*, and I order that the said Sums shall be paid by the said *A. O.* on or before the Day of ;] and I direct that the said Sum of [i. e. *the Penalty only*] shall be paid to of aforesaid, in which the said Offence was committed, to be by him applied according to the Directions of the Statute in that

'Case made and provided; [*or* that the said Sum of
' i.e. *the Penalty*, shall be paid to, *&c. as before*,] and that the
' said Sum of [i.e. *the Value of the Articles stolen, or*
' *the Amount of the Injury done*,] shall be paid to *C. D.* [*the Party*
' *aggrieved, unless he has been examined in Proof of the Offence, in*
' *which Case state that Fact, and dispose of the whole like the Penalty,*
' *as before.*] Given under my Hand and Seal, the Day and Year first
' above mentioned.'

Appeal.

XLVIII. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Fifty Sicca Rupees, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c. allowed.

XLIX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Sessions.

How far they shall be Evidence in future Cases.

L. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

LI. And

Venue in Actions under this Act.

LI. And be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Notice of Action.

General Issue, &c.

How either of the Supreme Courts may apply certain Fines.

LII. And whereas Doubts have arisen whether His Majesty's Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, or any Justice of the Peace in the *British* Territories under the Government of the said United Company, may lawfully defray the Costs of any Prosecution, or may make Compensation to any Prosecutor, otherwise than out of any Fine levied in the same Prosecution; be it enacted, That each of the said Supreme Courts may apply towards the reasonable Costs of prosecuting Offences, or of compensating Prosecutors, (whether the Prosecution be before the said Court or any Justices of the Peace,) any Part of the whole Sum arising out of Fines levied by or transmitted to the said Courts: Provided always, that no such Allowance for Costs or Compensation shall be made, except upon Motion in open Court; and that nothing herein contained shall prevent Justices of the Peace from making such Allowances for Costs or Compensation to Prosecutors as they might before have lawfully done.

Petit Treason to be treated as Murder.

LIII. And be it enacted, That every Offence which before the Commencement of this Act would have amounted to Petit Treason shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

Punishment of Principal and Accessory.

LIV. And be it enacted, That every Person convicted of Murder, or of being an Accessory before the Fact to Murder, shall suffer Death as a Felon; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years.

LV. And

Period of Execution, and Marks of Infamy.

LV. And be it enacted, That every Person convicted of Murder shall be executed according to Law on the Day next but one after that on which the Sentence shall be passed, unless the same shall happen to be *Sunday*, and in that Case on the *Monday* following; and the Body of every Murderer shall, after Execution, either be dissected or hung in Chains, as to the Court shall seem meet; and

Sentence to be pronounced immediately after Conviction.

Sentence shall be pronounced immediately after the Conviction of every Murderer, unless the Court shall see reasonable Cause for postponing the same; and such Sentence shall express not only the usual Judgment of Death, but also the Time hereby appointed for the Execution thereof, and that the Body of the Offender shall be

Power to respite.

dissected or hung in Chains, if the Court shall think fit: Provided always, that after such Sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge shall so think fit.

Provision for the Trial of Murder and Manslaughter, where the Death, or the Cause of Death only, happens within the Limits of the East India Company's Charter.

LVI. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon the Land or at Sea, within the Limits of the Charter of the said United Company, shall die of such Stroke, Poisoning, or Hurt at any Place without those Limits, or being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon Land or at Sea, shall die of such Stroke, Poisoning, or Hurt at any Place within the Limits aforesaid, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory before or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, in the same Manner in all respects as if such Offence had been wholly committed within the Jurisdiction of the Court within the Jurisdiction of which such Offender shall be apprehended or be in Custody.

Punishment of Manslaughter.

LVII. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, or to pay such Fine as the Court shall award.

Excusable and justifiable Homicide.

LVIII. Provided always, and be it enacted, That no Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune, or in his own Defence, or in any Manner without Felony.

Attempting, by Poison or Violence, to murder.

LIX. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison or other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any kind of loaded Arms at any Person, or shall unlawfully

unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to murder such Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Shooting at, or stabbing, cutting, or wounding any Person, with Intent to rob, maim, &c. capital.

LX. And be it enacted, That if any Person unlawfully and maliciously shall shoot at any Person, or shall, by drawing a Trigger or in any other Manner, attempt to discharge any kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that in case it shall appear, on the Trial of any Person indicted for any of the Offences above specified, that such Acts of shooting, or of attempting to discharge loaded Arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such Circumstances that if Death had ensued therefrom the same would not in Law have amounted to the Crime of Murder, in every such Case the Person so indicted shall be acquitted of Felony.

Proviso.

Administering Poison, or using any Means to procure the Miscarriage of any Woman quick with Child.

Using Means with Intent to procure Miscarriage, where the Woman is not quick with Child.

LXI. And be it enacted, That if any Person, with Intent to procure the Miscarriage of any Woman then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Poison or other noxious Thing, or shall use any Instrument or other Means whatsoever with the like Intent, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person, with Intent to procure the Miscarriage of any Woman not being or not being proved to be then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Medicine or other Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

A Woman concealing the Birth of her Child.

LXII. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any Term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted

thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof; and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Sodomy.

LXIII. And be it enacted, That every Person convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall suffer Death as a Felon.

Rape.

LXIV. And be it enacted, That every Person convicted of the Crime of Rape shall suffer Death as a Felon.

Carnal Knowledge of a Girl under the Age of Eight, and above Eight and under Ten.

LXV. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the Age of Eight Years, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and carnally know and abuse any Girl being above the Age of Eight Years and under the Age of Ten Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for such Term as the Court shall award.

What sufficient to constitute Rape, &c.

LXVI. And whereas upon Trials for the Crimes of Buggery and of Rape, and of carnally abusing Girls under the respective Ages herein-before mentioned, Offenders frequently escape by reason of the Difficulty of the Proof which has been required of the Completion of these several Crimes; for Remedy thereof be it enacted, That it shall not be necessary, in any of those Cases, to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but that the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

Forcible Abduction of any Woman on account of her Fortune, with Intent to marry her, &c.

LXVII. And be it enacted, That where any Woman shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be an Heiress presumptive or next of Kin to any one having such Interest, if any Person shall, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct, either for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

Unlawful Abduction of any Girl under 16 from her Parents, &c.

LXVIII. And be it enacted, That if any Person shall unlawfully take or cause to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, every such Offender shall be guilty of a Misde-

meanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Stealing a Child under the Age of Ten Years.

LXIX. And be it enacted, That if any Person shall maliciously, either by Force or Fraud, lead or take away, or decoy or entice away, or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; or if any Person shall, with any such Intent as aforesaid, receive or harbour any such Child, knowing the same to have been by Force or Fraud led, taken, decoyed, enticed away, or detained as herein-before mentioned; every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall think fit,) in addition to such Imprisonment: Provided always, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother, or any other Person having the lawful Charge thereof.

Not to extend to Fathers taking their illegitimate Children.

Bigamy.

LXX. And be it enacted, That if any Person professing the Christian Religion, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in the *East Indies* or elsewhere, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and every such Offence may be dealt with, inquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, within the Jurisdiction of which the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed within such Jurisdiction: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of His Majesty's Dominions by any other than a Subject of His Majesty, or to any Person marrying a Second Time, whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who at the Time of such Second Marriage shall have been divorced from the Bond of the First Marriage, or to any Person whose former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Place of Trial.

Exceptions.

Master of a Merchant Vessel

LXXI. And be it enacted, That if any Master of a Merchant Vessel shall, during his being Abroad, force any Man on Shore, or wilfully leave

forcing a Seaman on Shore, or refusing to bring him Home.

leave him behind in any of His Majesty's Colonies or elsewhere, or shall refuse to bring Home with him again all such of the Men whom he carried out with him as are in a Condition to return when he shall be ready to proceed on his homeward-bound Voyage, every such Master shall be guilty of a Misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such Term as the Court shall award; and the said Court is hereby authorized to issue One or more Commissions, if necessary, for the Examination of Witnesses Abroad; and the Depositions taken under the same shall be received in Evidence on the Trial of every such Indictment or Information.

Counterfeiting any Deed, &c.

LXXII. And be it enacted, That if any Person shall falsely make, forge, counterfeit, or alter, or shall utter or publish as true, or sell, offer, or dispose of, or put away, knowing the same to be false, forged, counterfeited, or altered, any Deed, or any written Instrument for the Conveyance or Transfer of any Property or Interest in any Land, House, or Goods, or any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or for securing the Payment of Money, or any Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, or any Indorsement or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Acquittance or Receipt for Money, or any Goods or valuable Thing, or any accountable Receipt of any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery or Transfer of any Goods or valuable Thing, or any Decree, Order, Record, Certificate, Minute, Affidavit, Deposition, or other Writing which shall be or purport to have been enrolled, drawn up, filed, entered, issued, or delivered by any Court or Magistrate in any Proceeding, Criminal or Civil, with Intention to defraud any Person whatsoever, or any Corporation, every such Offender shall be guilty of Felony, and being thereof convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Counterfeiting current Coin.

LXXIII. And be it enacted, That if any Person shall counterfeit any Gold or Silver Coin of any of the Territories under the Governments of the said United Company in the *East Indies*, or any Gold or Silver Coin usually current and received as Money in Payment in any Part of the *British* Territories under the Government of the said United Company, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

LXXIV. And

LXXIV. And be it enacted, That if any Person shall utter or tender in Payment, or sell, or give in Exchange, or pay or put off to any Person, any such false or counterfeited Coin as aforesaid, knowing the same to be so false or counterfeited, every such Offender, being thereof convicted, shall be adjudged by the Court to suffer Six Months Imprisonment, and find Sureties for his good Behaviour for Six Months more, to be computed from the End of the said first Six Months; and if the same Person shall afterwards be convicted a Second Time of the like Offence of uttering or tendering in Payment, or selling, or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, such Person shall for such Second Offence suffer Two Years Imprisonment, and find Sureties for his or her good Behaviour for Two Years more, to be computed from the End of the said first Two Years; and if the same Person shall afterwards offend a Third Time, in uttering or tendering in Payment, or selling, or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such Third Offence, he shall be sentenced to Transportation for Life to such Place beyond the Seas as the Court shall direct.

Uttering counterfeit Coin.

1st Offence.

2d Offence.

3d Offence.

LXXV. And be it enacted, That if any Person shall have in his Custody, without lawful Excuse, the Proof whereof shall lie on the Party accused, any greater Number of Pieces than Five Pieces of such false or counterfeit Coin as aforesaid, every such Person, being thereof convicted upon the Oath of One or more credible Witness or Witnesses before One of His Majesty's Justices of the Peace, or if there shall be no Justice of the Peace duly qualified to act in the Place where such Offence shall be committed, before One of the Judges of His Majesty's Court there, shall forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice or Judge, and shall for every Offence forfeit and pay any Sum of Money not exceeding in Value Forty Sicca Rupees, or less than Twenty Sicca Rupees, in the Currency of the Place in which such Offence shall be committed, for every such Piece of false or counterfeit Coin which shall be found in the Custody of such Person, one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Presidency, Settlement, or Place in which such Offence shall be committed; and in case any such Penalty shall not be forthwith paid, it shall be lawful for such Justice or Judge to commit the Person or Persons who shall be adjudged to pay the same to the Common Jail or House of Correction, there to be kept to hard Labour for the Space of Three Calendar Months, or until such Penalty shall be paid.

Having in possession more than Five Pieces of counterfeit Coin, without lawful Excuse, punishable with Fine or Three Months Imprisonment.

LXXVI. And be it enacted, That if any Person shall counterfeit, erase, alter, or falsify any Licence authorizing any Ship or Vessel to proceed to any Place in the *East Indies* or Parts aforesaid, or any Licence or Certificate authorizing any Person to go to or reside at any such Place, or any attested Copy of any such Licence or Certificate, or shall utter or publish as true any such counterfeited, erased, altered, or falsified Licence, Certificate, or attested Copy, knowing the same to

Counterfeiting Licences or Certificates, or attested Copie thereof, punishable with Fine and Imprisonment.

to be counterfeited, erased, altered, or falsified, every such Offender, being convicted thereof, shall suffer such Imprisonment not exceeding One Year, and shall pay such Fine not exceeding in Value One thousand Sicca Rupees in the Currency of the Place in which such Offence shall be committed, as the Court shall direct.

Distinction between Grand and Petty Larceny abolished.

LXXVII. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished; and every Larceny, whatever be the Value of the Property stolen, shall be deemed to be of the same Nature, and shall be subject to the same Incidents, in all respects, as Grand Larceny was before the Day of this Act taking effect.

Punishments for Simple Larceny.

LXXVIII. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall, except in the Cases herein-after otherwise provided for, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Stealing public or private Securities for Money, or Warrants for Goods, shall be Felony, and punishable like stealing Goods.

LXXIX. And be it enacted, That if any Person shall steal any Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of the Territories under the Government of the said United Company or of any other of His Majesty's Dominions, or of any Foreign Country or State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony of the same Nature and in the same Degree, and punishable in the same Manner, as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents herein-before enumerated shall, throughout this Act, be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

Rule of Interpretation.

Robbery from the Person;

Stealing from the Person;

LXXX. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to rob him, or shall with Menaces or by Force demand any such Property of any other Person with Intent to steal the same, every such Offender shall

be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Assaults with Intent to rob, and Demands accompanied with Menaces or Force.

LXXXI. And be it declared and enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from him, and shall, by intimidating him by such Accusation or Threat, extort or gain from him any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

LXXXII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing, demanding of any Person, with Menaces, or without any reasonable or probable Cause, any Chattel, Money, or valuable Security; or if any Person shall accuse or threaten to accuse, or shall knowingly send or deliver any Letter or Writing accusing or threatening to accuse, any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from such Person any Chattel, Money, or valuable Security, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Sending Letters threatening to accuse a Party of an infamous Crime for the Purpose of extorting Money, &c.

LXXXIII. And be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with any Animal, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

What shall be deemed an infamous Crime.

LXXXIV. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House shall commit any Felony, and shall in either Case break out of the said Dwelling House in the Night-time, such Person shall be deemed guilty of Burglary.

Burglary, capital.

LXXXV. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security, to any Value whatever, or shall steal any such Property

House-breaking and stealing in a House, when capital.

perty to any Value whatever in any Dwelling House, any Person therein being put in fear, or shall steal in any Dwelling House any Chattel, Money, or valuable Security, to the Value in the whole of Fifty Sicca Rupees or more, every such Offender, being convicted thereof, shall suffer Death as a Felon.

What Buildings only are Part of a House for capital Purposes.

LXXXVI. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other.

Robbery in any Building within the same Curtilage as the House, but not privileged as Part of the House.

LXXXVII. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof according to the Provision herein-before mentioned, every such Offender, being convicted thereof, either upon an Indictment for the same Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Fifty Sicca Rupees in a Dwelling House, containing a separate Count for such Offence, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Robbery in a Shop, Warehouse, &c.

LXXXVIII. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting-house, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

Stealing Goods from a Vessel in a Port, River, or Canal.

LXXXIX. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatsoever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek belonging to or communicating with any such Port or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, or Creek, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

Plundering the Tackle or Cargo of a wrecked Vessel.

Proviso.

XC. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided always, that when Articles of small Value shall be stranded or cast on Shore, and shall be stolen without Circumstances of Cruelty, Outrage,

or

or Violence, it shall be lawful to prosecute and punish the Offender as for Simple Larceny.

Persons in possession of shipwrecked Goods not giving a satisfactory Account.

XCI. And be it enacted, That if any Goods, Merchandize, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, shall by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender, on the Conviction of such Offence before the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Shipwrecked Goods offered for Sale may be seized.

XCII. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Stealing, &c. of Records and other Proceedings of Courts of Justice.

XCIII. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatever, of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court; or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court; every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to suffer such other Punishment

by Fine or Imprisonment, or by both, as the Court shall award; and it shall not in any Indictment for such Offence be necessary to allege that the Article in respect of which the Offence is committed is the Property of any Person, or that the same is of any Value.

Stealing or destroying of Wills.

XCIV. And be it enacted, That if any Person shall, either during the Life of the Testator or Testatrix, or after his or her Death, steal, or for any fraudulent Purpose destroy or conceal, any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument is the Property of any Person, or that the same is of any Value.

Stealing of Writings relating to any Real Estate.

XCV. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned; and in any Indictment for such Offence it shall be sufficient to allege the Things stolen to be Evidence of the Title or of Part of the Title of the Person, or of some one of the Persons, having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof; and it shall not be necessary to allege the Thing stolen to be of any Value.

Nothing herein as to Wills and Writings shall lessen any Remedy at Law or in Equity which the aggrieved Party now has.

XCVI. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

Stealing Dogs, or Beasts or Birds, kept in Confinement.

XCVII. And be it enacted, That if any Person shall steal any Dog, or shall steal any Beast or Bird, ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, every such Offender, being convicted thereof before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Value of the Dog, Beast, or Bird, such Sum of Money, not exceeding Two hundred

hundred Sicca Rupees, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped after the Expiration of Four Days from the Time of such Conviction.

Stealing Fixtures of any kind from Buildings, and Metal Fixtures from Grounds.

XCVIII. And be it enacted, That if any Person shall steal, or rip, cut, or break with Intent to steal, any Glass or Wood Work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass or other Metal, or any Utensil or Fixture, whether made of Metal or other Material, respectively fixed in or to any Building whatsoever, or any thing made of Metal fixed in any Land being Private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to Public Use or Ornament, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and in case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person.

Clerks and Servants stealing from their Masters.

XCIX. And be it enacted, That if any Clerk or Servant shall steal any Chattel, Money, or valuable Security, belonging to or in the Possession or Power of his Master, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment.

Clerks and Servants receiving any Money, &c. on their Master's Account, and embezzling it.

C. And be it enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall by virtue of such Employment receive or take into his Possession any Chattel, Money, or valuable Security, for or in the Name or on the Account of his Master, and shall fraudulently embezzle the same or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money, or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

Distinct Acts of Embezzlement may be charged in the same Indictment.

CI. And be it enacted, That it shall be lawful to charge in One Indictment, and proceed under the same against the Offender for any Number of distinct Acts of Embezzlement not exceeding Three, which may have been committed by him against the same Master within the

As to Allegation and Proof of the Property embezzled.

the Space of Twelve Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the Offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved, or if he shall be proved to have embezzled any Piece of Coin or valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, and such Part shall have been returned accordingly.

Agents embezzling Money entrusted to them for a special Purpose;

CII. And be it enacted, That if any Money, or Security for the Payment of Money, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place beyond the Seas as the Court shall direct, for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negociate, transfer, or pledge, and he shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been entrusted to him, sell, negociate, transfer, pledge, or in any Manner convert to his own Use or Benefit, such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

or Goods or valuable Securities.

Not to affect Trustees or Mortgagees;

CIII. Provided always, and be it enacted, That nothing herein-before contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage; nor shall restrain any Banker, Merchant, Broker, Attorney,

or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

nor to restrain Bankers, &c. from receiving Money due on Securities; nor from disposing of Securities on which they have a Lien.

CIV. And be it enacted, That if any Factor or Agent entrusted for the Purpose of Sale with any Goods or Merchandize, or entrusted with any Bill of Lading, Warehousekeeper's or Wharfinger's Certificate or Warrant or Order for Delivery of Goods or Merchandize, shall, for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received; every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Factors pledging for their own Use Goods, or Documents relating to Goods, entrusted to them for the Purpose of Sale.

Not to extend to Cases where the Pledge does not exceed the Amount of the Lien.

CV. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, against any Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any Remedy, at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall be liable to be convicted by any Evidence whatever, as an Offender against this Act, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bond fide* instituted by any Party aggrieved.

Nothing herein, as to Agents, &c. to lessen any Remedy which the aggrieved Party now has.

Obtaining Money, &c. by false Pretences, a Misdemeanor.

CVI. And be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award: Provided always, that if upon the Trial of any Person indicted for a Misdemeanor it shall appear that he obtained the Property in any Manner amounting to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor, if the Offence be in any other respects substantially proved; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

No Acquittal on the Ground that the Case proved amounts to Larceny.

Where the original Offence is Felony, the Receivers of stolen Property may be tried, either as Accessories after the Fact, or as substantive Felons.

CVII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, or obtaining whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such Person knowing the same to have been feloniously stolen, taken, or obtained, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact, or as for a substantive Felony, whether in the latter Case the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned for any Term not exceeding Three Years, and if a Male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such Imprisonment: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Where the original Offence is Misdemeanor, Receivers may be prosecuted for a Misdemeanor, whether the Principal be convicted or not.

CVIII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall, on Conviction, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

All Receivers may be tried where the

CIX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same

same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any Place in which he shall have or shall have had any such Property in his Possession, or in any Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished for receiving such Property in the Place where he actually received the same.

Principal is triable, or where the Property is found in their Possession, as well as where the receiving takes place.

CX. And be it enacted, That if any Person guilty of any Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for any such Offence by the Owner of the Property, or by his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from Time to Time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear, before any Award or Order made, that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument, shall have been *bonâ fide* taken or received by Transfer or Delivery by some Person or Body Corporate for a just and valuable Consideration, without any Notice, or without any reasonable Cause to suspect, that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

The Owner of stolen Property, prosecuting Thief or Receiver to Conviction, shall have Restitution of his Property.

Exception.

CXI. And be it enacted, That if any Person shall corruptly take any Money or Reward, directly or indirectly, under pretence or on account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, every such Person so taking Money or Reward (unless he shall cause the Offender guilty of the principal Felony or Misdemeanor to be apprehended and brought to Trial for the same) shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial.

CXII. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without

Advertising a Reward for the Return of stolen Property, &c.

without seizing or making any Inquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Five hundred Sicca Rupees for every such Offence, to any Person who will sue for the same by Action of Debt, to be recovered with full Costs of Suit.

Receivers of Property where the original Offence is punishable summarily, shall be punishable as original Offenders.

CXIII. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Setting fire to any Church or Chapel, or to any House, &c. used for Trade, whether in the Possession of the Offender or not.

CXIV. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Church or Chapel, or other public Place of Religious Worship whatsoever, or shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying Silk or other Goods in the Loom, &c. or any Machinery belonging to those Manufactures, or breaking into any Building with Intent to destroy the same.

CXV. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy or to render useless, any Goods or Articles in any Stage, Process, or Progress of Manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Loom, Frame, Machine, Engine, Rack, Tackle, or Implement, whether fixed or moveable, prepared for or employed in manufacturing or preparing any such Goods or Articles; or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid; every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Rioters demolishing, &c. any

CXVI. And be it enacted, That if any Persons, riotously and tumultuously assembled together to the Disturbance of the Public Peace,

Peace, shall unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or other public Place of Religious Worship whatsoever, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture or in any Branch thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Church, Chapel, or Building used for Trade, or Machinery in any Manufactory.

CXVII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, or shall unlawfully and maliciously set fire to any Goods being on board any Ship or Vessel as Cargo, with Intent to burn or destroy such Cargo or Ship, and with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or any Owner or Part Owner of any Goods on board the same, or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to or destroying any Ship.

CXVIII. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Damaging any Ship otherwise than by Fire.

CXIX. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel (whether he shall be on board or shall have quitted the same), every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Doing any Act tending to the immediate Loss of a Ship in Distress, or destroying the Goods or any Part of such Ship.

CXX. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any Lock, Sluice, Floodgate, or other Work on any navigable

Destroying any Sea Bank, or the Bank of any River or Canal, or any Lock, Floodgate, &c.

River or Canal, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment; and if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Cutting or removing the Piles, &c. of any Sea Bank, or Bank of a River or Canal, or doing any Damage with Intent to obstruct any such Navigation.

Breaking down the Dam of a Fishery.

CXXI. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fishpond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Fifty Sicca Rupees, as to the Justice shall seem meet.

Killing or maiming Cattle.

CXXII. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle or Beast of Burthen, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Setting fire to Crops or Stacks of Corn, Grain, &c. or to any Plantation, &c.

CXXIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Rice, Corn, or other Grain, Pulse, Sugar Cane, Straw, Hay, or Wood, or to any Crop of Rice, Corn, or other Grain, or Pulse, or Sugar Cane, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees or valuable Plants, or to any Grass, Fern, or other like Ground Produce, wheresoever the same may be growing, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct

for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment.

Malice against the Owner of the Property not essential to the Offence.

CXXIV. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

All Acts, &c. repealed by 7 & 8 G. 4. c. 27. and 9 G. 4. c. 31. as to England, shall be repealed in like Manner within the Jurisdiction of the Courts of Justice in India.

CXXV. And be it enacted, That all Acts and Parts of Acts which by an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for repealing various Statutes in* England *relative to Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred;* or by an Act passed in the present Session of Parliament, intituled *An Act for consolidating and amending the Statutes in* England *relative to Offences against the Person;* are, as to that Part of the United Kingdom called *England*, and as to Offences committed within the Jurisdiction of the Admiralty of *England*, repealed, except as therein mentioned, shall, from and after the said First Day of *March* One thousand eight hundred and twenty-nine, as to all Persons, Matters, and Things over whom or which the Jurisdiction of any of His Majesty's Courts of Justice erected within the *British* Dominions under the Government of the said United Company extends, be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to Offences and other Matters committed or done before or upon the Day of this Act taking effect, which shall be dealt with and punished as if this Act had not been passed.

39 & 40 G. 3. c. 79.

53 G. 3. c. 155.

CXXVI. And be it enacted, That so much of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing further Regulations for the Government of the* British *Territories in* India, *and the better Administration of Justice within the same*, as relates to the Transportation of Offenders; and so much of an Act passed in the Fifty-third Year of the same Reign, intituled *An Act for continuing in the* East India *Company for a further Term the Possession of the* British *Territories in* India, *together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, as relates to the stealing or taking by Robbery of Securities for Payment of Money, to the falsely making, forging, counterfeiting, or altering, or to uttering, publishing, selling, offering, disposing of or putting away, knowing the same to be false, forged, or counterfeited, any Writings, Licences, Certificates, or attested Copies thereof, or to counterfeiting Coin, or to uttering, tendering in Payment, selling, giving in Exchange, paying, putting off, or having in

in Possession, forged or counterfeit Coin; and so much of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage*, as requires that the Oaths to be taken by Members of General or other Courts Martial, or Courts of Requests composed of Military Officers, shall be taken upon the Holy Evangelists; shall, from and after the Day of this Act taking effect, in like Manner and with the like Exceptions, be and the same is hereby repealed.

and 4 G. 4. c. 81. in part repealed.

CXXVII. And be it enacted, That all Persons, whether *British* Subjects or others, employed by or in the Service of His Majesty, shall be held subject and amenable to the Criminal Jurisdiction of His Majesty's Courts of Justice, erected or to be erected within the *British* Territories under the Government of the said *India* Company, for all Crimes and Offences to be by them committed on or from and after the First Day of *March* One thousand eight hundred and twenty-nine, in the same Manner as Persons employed by or in the Service of the said United Company are now by Law subject and amenable to the said Jurisdiction.

All Persons employed by His Majesty shall be amenable to Courts in India, as Persons employed by the Company are.

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ANNO NONO

GEORGII IV. REGIS.

CAP. LXXV.

An Act for the further Improvement of the Road from *London* to *Holyhead*, and of the Road from *London* to *Liverpool*. [25th *July* 1828.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards repairing Roads between* London *and* Holyhead, *by* Chester, *and between* London *and* Bangor, *by* Shrewsbury; and by the said Act certain Commissioners were appointed for carrying the same into Execution: And whereas an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting in Commissioners the Line of Road from* Shrewsbury *in the County of* Salop *to* Bangor Ferry *in the County of* Carnarvon; *and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His present Majesty, from the future Repair and Maintenance thereof; and for altering and regulating so much of the said Acts as affects the said Line of Road:* And whereas an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His* 55 G.3. c.152. 59 G.3. c.30. 59 G.3. c.48.

Majesty the Sum of Twenty thousand Pounds towards repairing Roads between London *and* Holyhead, *by* Chester, *and between* London *and* Bangor, *by* Shrewsbury, *and for giving additional Powers to the Commissioners therein named to build a Bridge over the* Menai Straits, *and to make a new Road from* Bangor Ferry *to* Holyhead *in the County of* Anglesea: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for further improving the Roads between* London *and* Holyhead, *by* Coventry, Birmingham, *and* Shrewsbury: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for vesting in Commissioners the Bridges now building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth; *and for the further Improvement of the Road from* London *to* Holyhead; and by the said Act certain Commissioners have been appointed for carrying the same into Execution, and various Powers have been given to the said Commissioners: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to extend the Powers of an Act for vesting in Commissioners the Bridges building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth; *and for the further Improvement of the Road from* London *to* Holyhead: And whereas an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the* Menai Straits *and the River* Conway, *and the Harbours of* Howth *and* Holyhead, *and the Road from* Dublin *to* Howth; *and for the further Improvement of the Road from* London *to* Holyhead: And whereas an Act was passed in the Seventh and Eighth Year of the Reign of His present Majesty, intituled *An Act for the further Improvement of the Road from* London *to* Holyhead, *and of the Road from* London *to* Liverpool: And whereas an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road, partly by an Archway through the East Side of* Highgate Hill, *communicating with the present Turnpike Road from* London *to* Barnet *at* Upper Holloway *in the Parish of* Saint Mary Islington, *and near the Brook below the Fifth Mile Stone in the Parish of* Hornsey *in the County of* Middlesex: And whereas an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Three Acts of His late and present Majesty, for repairing the Road between* Hockliffe *in the County of* Bedford, *and* Stoney Stratford *in the County of* Buckingham: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for repairing the Road from* Dunchurch *to* Stonebridge *in the County of* Warwick: And whereas an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the public Roads in and through the City of* Coventry: And whereas an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectually repairing a certain Road called* The Watling Street Road,

1 & 2 G. 4. c. 30.

4 G. 4. c. 74.

6 G. 4. c. 100.

7 G. 4. c. 76.

7 & 8 G. 4. c. 35.

50 G. 3. c. lxxxviii.

49 G. 3. c. xvi.

5 G. 4. c. xliii.

52 G. 3. c. lvii.

48 G. 3. c. lxv.

Road, *and other Roads therein mentioned, in the Counties of* Salop *and* Stafford: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for maintaining and improving the Roads leading through the Town of* Shiffnall, *and the Road leading from* Oaken Gates *to* Weston, *in the Counties of* Salop *and* Stafford, whereby the Powers and Provisions of the said last-mentioned Act of the Forty-eighth Year of the Reign of His said late Majesty were repealed so far as respects the *Shiffnall* District of the Roads therein mentioned: And whereas an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from* Gibbet Lane *to* Wolverhampton *in the County of* Stafford, *and several other Roads therein described, and for extending the said Road from* King's Wood Common *to the Turnpike Road leading from* Weston-under-Lizard *to* Newport *in the County of* Salop: And whereas it would be of great Public Benefit if the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* were authorized to advance to the Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, such Sum of Money as is herein-after mentioned, to enable them to make other Alterations and Improvements in the Line of the Road from *London* to *Holyhead* herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, and they are hereby authorized, on Application being made to them by the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, by Warrant or Warrants under their Hands, to direct the Auditor of the Receipt of His Majesty's Exchequer to make forth and pass Debentures from Time to Time for issuing, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Commissioners for carrying into Execution the said Act of the Fourth Year of His present Majesty's Reign, any Sum or Sums of Money not exceeding in the whole the Sum of Thirty-six thousand seven hundred Pounds, for the Purposes and upon the Terms and Conditions herein-after mentioned.

6 G. 4. c. clxi.

50 G. 3. c. lvi.

The Treasury may authorize the Auditor of the Exchequer to pass Debentures for issuing to the Commissioners under 4 G. 4. c. 74. the Sum of 36,700*l.*

II. And be it further enacted, That upon any such Advance being made to the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, the said last-mentioned Commissioners, or any Three of them, shall execute an Instrument in Writing, in such Form as the said Commissioners of His Majesty's Treasury shall direct and appoint, in which Instrument the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty shall acknowledge the Receipt of the Money for the Time being advanced, and shall undertake to apply the Produce thereof in the Manner

Such Commissioners thereupon to execute an Instrument acknowledging the Advance, and undertaking to apply the same as herein directed.

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in which the same ought to be applied in pursuance of the Directions herein-after contained; and shall also undertake to pay the same, and the Interest thereof, when and as the same shall be received by them, under the Provisions herein-after contained, into the Exchequer, to the Account of the Consolidated Fund, as herein-after directed; and shall also undertake to put in force, if necessary, the several Powers and Remedies herein-after given them for obtaining Payment thereof.

Manner in which the said Advances shall be applied.

III. And be it further enacted, That the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty shall apply the Sums so to be advanced in the Manner following; (that is to say,) any Sum not exceeding the Sum of Fourteen thousand Pounds in altering and improving the Road within the Limits and District of the *Highgate* Archway Company's Trust, and in repairing the same for the Space of Two Years after the same shall have been completed; any Sum not exceeding the Sum of Four thousand seven hundred Pounds in altering and improving the Road from *Hockliffe* in the County of *Bedford* to *Stoney Stratford* in the County of *Buckingham*, the same being within the Limits and District of the *Hockliffe* and *Stratford* Trust, and in repairing the same for the Space of Two Years after the same shall have been completed; any Sum not exceeding the Sum of Four thousand Pounds in altering and improving the Road from the *Seven Stars* Public House at *Whitley* to the City of *Coventry*, and from thence to the Village of *Allesley* in the County of *Warwick*, the same being within the Limits and District of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same for the Period of Two Years after the same shall have been completed; any Sum not exceeding the Sum of Eight thousand five hundred Pounds in making a new Cut or Piece of Road from the *Coach and Horses* Public House in *Bilston Street*, in the Town of *Wolverhampton*, in the County of *Stafford*, and passing from thence in nearly a direct Line, over *Snow Hill*, into *Salop Street* in the same Town, the same being within the Limits and District of the *Wolverhampton* Trust, and in repairing the same for the Period of Two Years after the same shall have been completed; and any Sum not exceeding the Sum of Five thousand five hundred Pounds in making a new Cut or Piece of Road from the main Street in the Town of *Shiffnall* in the County of *Salop*, and passing from thence in nearly a straight Line, over Premises belonging to Mister *Brown* and others, to the *Cross Lane* in the present Mail Coach Road near Mister *Brook*'s Gate, the same being within the Limits and District of the *Shiffnall* District of the *Watling Street* Road, and in repairing the same for the Period of Two Years after the same shall have been completed.

Application of Surplus.

IV. And be it further enacted, That in case it shall be found that any Sum which shall have been advanced, in pursuance of the Directions herein-before contained, by the said Commissioners of His Majesty's Treasury to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, shall be more than is required for the Purposes for which the same shall have been advanced, the Surplus thereof shall be

be applied by the said last-mentioned Commissioners in making such other Improvements as they shall think proper on any Part of the said Road from *London* to *Holyhead* which shall be within the same Trust.

Powers of former Act extended to this Act, and particularly the Power of purchasing Lands.

V. And be it further enacted, That all the Powers and Authorities given by the said recited Act of the Fourth Year of the Reign of His present Majesty to the said Commissioners acting in execution thereof, either expressly or by reference to former Acts, and all the Clauses and Provisions therein contained, or such of the said Clauses and Provisions as are in any Manner applicable to the Purposes of this Act, shall be and they are hereby extended in such Manner as that the said Commissioners acting in execution of the said last-mentioned Act shall be enabled to make the Alterations and Improvements herein-before directed to be made, and shall have all Facilities and Advantages for enabling them to make the same, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Clauses, and Provisions were repeated and re-enacted in and by this present Act, with reference to the said Alterations and Improvements; and particularly that the said last-mentioned Commissioners shall have the same Power of taking and acquiring any Ground or Materials which may be required for the Purpose of making the said Alterations and Improvements, as in and by the said recited Act of the Fifty-fifth Year of His late Majesty King *George* the Third is given to the Commissioners acting under that Act, of taking and acquiring any such Ground or Materials as may be necessary for repairing, altering, making, or constructing the Roads in that Act mentioned or referred to; and all the Clauses and Provisions contained in the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, with respect to the taking or acquiring of any Ground to be so taken or acquired by the Commissioners acting under that Act, shall be and they are hereby extended and made applicable to the acquiring or taking, by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, of any Ground which may be required for the Purpose of making the Alterations and Improvements herein-before mentioned.

Powers and Provisions of 7 G. 4. c. 76. as to Purchases, extended to this Act.

VI. Provided always, and be it further enacted, That the several Clauses, Powers, and Provisions of the said recited Act of the Seventh Year of His present Majesty contained, with respect to the purchasing or otherwise acquiring of, and making Satisfaction for Injury or Damage to, the Houses, Gardens, Lawns, Orchards, and Grounds by that Act authorized to be purchased, acquired, used, or taken by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, shall equally apply to the purchasing or otherwise acquiring by the said Commissioners under the Powers of this Act, and to the paying and making Satisfaction for, the Houses, Gardens, Lawns, Orchards, Grounds, and Lands by this Act authorized to be purchased, acquired, taken, or used, in the same Manner, or as nearly so as

Circumstances will admit, as they would if the same were so purchased, acquired, taken, or used by the said Commissioners under the Powers and Provisions of the said Act of the Seventh Year aforesaid, for the Purposes of this Act mentioned.

Power to take down Houses in Schedule, on giving Notice and tendering Satisfaction.

VII. And whereas, for the Purpose of making several of the Alterations and Improvements herein-before directed to be made, it will be expedient and necessary to take down and remove the Houses described in the Schedule to this Act annexed, and to take and make use of the Gardens, Lawns, Orchards, and Grounds attached to such Houses, or specified and described in the said Schedule; be it therefore further enacted, That it shall and may be lawful for the said Commissioners acting in execution of the said Act of the Fourth Year of the Reign of His present Majesty to take down and remove all or any of the Houses described in the said Schedule to this Act annexed, and also to take and make use of any of the Gardens, Lawns, Orchards, or Grounds attached to such Houses so described in the said Schedule, if they shall deem it necessary or expedient to remove, take, or make use of the same for the Purpose of making the Alterations and Improvements in this Act mentioned; but the said last-mentioned Commissioners, previously to their removing or taking any such Houses, Gardens, Lawns, Orchards, or Grounds, shall give Six Months Notice in Writing to the Occupier or Occupiers thereof, of their Intention so to do; and shall also first make such Satisfaction to the Owner or Owners, Occupier or Occupiers of such House or Houses, Gardens, Lawns, Orchards, or Grounds, as shall be agreed upon between him, her, or them and the said last-mentioned Commissioners, or as shall be ascertained by a Jury in the Manner directed by the said recited Act of the Seventh Year of the Reign of His present Majesty.

Omissions or Misnomers in the Schedule not to retard the Execution of the Act.

VIII. Provided always, and be it further enacted, That if any of the Houses mentioned and described in the said Schedule to this Act, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be omitted, misnamed, or inaccurately described, then and in such Case, if it shall appear to any Two or more of His Majesty's Justices of the Peace for the County, City, or Place wherein the same shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued in manner herein mentioned, and conveyed, disposed of, and applied for and to the Purposes of making the Alterations and Improvements herein-before mentioned, as fully and effectually as if the same was or were properly named and described in the said Schedule.

Powers of 7 & 8 G. 4. as to an Agreement with the Church-

IX. And whereas by the said recited Act of the Seventh and Eighth Year of the Reign of His present Majesty, after reciting that Part of the Land which would be required for making and completing the new Cut or Piece of Road from the *Seven Stars* Public House at

Whitley to the Village of *Allesley*, therein-before mentioned, was called *Lammas Grounds*, over which the Freemen of the City of *Coventry* had a Right of Common from *Old Lammas Day* until *Old Candlemas Day*, and other Part of the said Land was called *Michaelmas Land*, over which the Freemen of the City of *Coventry* had a Right of Common from *Old Michaelmas Day* until *Old Candlemas Day*, it was enacted, that a Conveyance of such *Lammas* Ground or *Michaelmas* Land, under the Powers and Provisions of the said Act, by the Person or Persons who should for the Time being be entitled thereto, subject to such Right of Common, or thereby authorized to convey the same, should be a good and sufficient Conveyance thereof to the said Commissioners acting under the said recited Act of the Fourth Year of the Reign of His present Majesty, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, for the Purposes of the now-reciting Act, freed from such Right of Common, as fully and effectually as if every Person having Right of Common thereon respectively had executed such Conveyance; and it should be lawful for the said Commissioners acting under the said recited Act of the Fourth Year of the Reign of His present Majesty, as aforesaid, to enter into an Agreement with the Churchwarden or Churchwardens for the Time being of the Parish wherein such *Lammas* Ground or *Michaelmas* Land was situate, for the Purpose of ascertaining and settling what Sum of Money should be paid as or by way of Compensation for the Rights of Common upon such Lands respectively; and in case the Parties should not agree to the Amount of such Compensation, the same should be determined by a Jury in the same Manner as other Compensations under the now-reciting Act, and the Sum to be so agreed upon or awarded should be paid by the said Commissioners to the said Churchwarden or Churchwardens, and should be by him or them applied for such general and public Purposes within such Parish as a Vestry of such Parish, to be convened by such Churchwarden or Churchwardens for that Purpose, should direct: And whereas it is expedient that the Powers and Provisions of the said recited Act, as far as respects the Agreement with the Churchwarden or Churchwardens, and Payment and Application of the Compensation Money, should be repealed, and that other Provisions and Powers should be enacted in lieu thereof: And whereas other Part of the said Land called *Lammas Ground* and *Michaelmas Land* will be required for the Purpose of this Act; be it therefore enacted, That from and after the passing of this Act the Powers and Provisions contained in the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, as aforesaid, which directs the entering into an Agreement with the Churchwarden or Churchwardens for the Time being of the Parish wherein such *Lammas* Ground or *Michaelmas* Land is situate, and the Payment and Application of the Purchase Money thereof, shall be and the same are hereby repealed.

wardens of Coventry, for certain Rights of Common, &c. repealed.

X. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners acting under the said recited Act of the Fourth Year of the Reign of His present Majesty, as aforesaid, to enter into an Agreement with the Chamberlains of the said City of *Coventry* for the Time

Commissioners to enter into an Agreement for the Purpose of settling Compensation for such Rights.

Time being, for the Purpose of ascertaining and settling what Sum of Money shall be paid as or by way of Compensation for the Rights of Common upon such Lands respectively as shall be required for the Purposes of the said recited Act of the Seventh and Eighth Year of the Reign of His present Majesty or of this Act; and in case the Parties shall not agree to the Amount of such Compensation, the same shall be determined by a Jury in the same Manner as other Compensations under the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty or this Act; and the Sum to be so agreed upon or awarded shall be paid by the said Commissioners to the said Chamberlains of the said City for the Time being, and to be by them appropriated in such Manner as the following Persons, Freemen of the said City, (that is to say,) *George Osmond, Thomas Brown, John Robinson, Richard Kevitt Rotherham, Charles Lilly, John Whittem, Isaac Johnson, William Fletcher, Adie Cramp, Robert Bunney* the younger, *William Bray* the younger (of *New Street*), *Charles Oswain*, and *James Twaites*, who have been appointed by the Freemen of the said City, at a public Meeting held by them, as a Committee to act for and on behalf of the Freemen of the said City, or the major Part of them, or their Successors, to be appointed in manner herein-after mentioned, shall order, direct, appoint, and think proper to appropriate and apply the same.

For ascertaining the Amount.

Compensation to be paid to the Chamberlains of Coventry, and appropriated as the Committee herein named shall direct.

For filling up Vacancies in such Committee.

XI. And be it further enacted, That upon the Death of any one of the said Persons last herein-before named, it shall and may be lawful to and for the Survivors, or the major Part of them, at a Meeting to be held by them, to nominate and appoint another Freeman of the said City as a Member of the said Committee, and so from Time to Time as such Vacancy shall occur; and upon such Nomination and Appointment, such Person or Persons so to be appointed shall be invested with the same Power and Authority as though he or they had been originally nominated and appointed upon the said Committee at the said public Meeting.

Commissioners may sell Land not wanted.

XII. And be it further enacted, That where the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty shall have purchased or shall be possessed of any Pieces of Ground not wanted for the Purposes of this Act, it shall and may be lawful for the said Commissioners, or any Five or more of them, to sell and dispose of the same, subject to the same Provisions as are contained in the said recited Act of the Seventh Year of the Reign of His present Majesty, with respect to the Sale by the said Commissioners of any Land not wanted for the Purposes of this Act.

New Roads to be repaired by Commissioners under 4 G. 4. for Two Years, and then to become Part of old Road.

XIII. And be it further enacted, That every new Piece of Road which shall be made, altered, or improved under the Provisions herein contained, shall be open to the Public as soon as the same shall be completed, and shall, for the Period of Two Years after the same shall have been completed and open to the Public, be repaired, maintained, and supported by and under the Care and Superintendence of the said Commissioners acting in the Execution of

of the said recited Act of the Fourth Year of the Reign of His present Majesty; and after the Expiration of the said Period of Two Years every such new Piece of Road shall be deemed and taken to be and shall become, to all Intents and Purposes, a Part of that Road to which the old Road or Part of a Road in lieu of or for the Improvement of which such new Piece of Road shall have been made did belong before the making of such new Piece of Road, and shall be vested in the Trustees or Commissioners in whom such old Road or Part of a Road shall have been vested, and shall be maintained and repaired by them, and shall be subject to all such Trusts, and to all such Acts of Parliament, and to all such Provisions contained in any Act or Acts of Parliament, as such old Road or Part of a Road shall have been subject to immediately before the Expiration of the said Period of Two Years.

Highgate Archway Company empowered to take additional Tolls.

XIV. And be it further enacted, That it shall and may be lawful for the *Highgate* Archway Company, acting in the Execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third, and they are hereby authorized and required, to demand and take, from and after the First Day of *January* One thousand eight hundred twenty-nine, over and above and in addition to the other Tolls by the said last-mentioned Act directed to be taken, collected, and received by the said Company, at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being or continued or erected by virtue of the said Act, or upon, across, or on the Side or Sides of the said Road or any Part thereof, the following additional Tolls; (that is to say,)

Additional Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricle, Chair, Waggon, Cart, Wain, or other Carriage, the Sum of One Penny:

For every Foot Passenger, the Sum of One Penny:

And the said additional Tolls shall be continued to be taken and collected until the said Sum of Fourteen thousand Pounds herein-before authorized to be applied in making the Alterations and Improvements in the Road within the said Trust, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum*, shall be fully paid and satisfied.

Additional Tolls to be applied in Payment of the Sum of 14,000*l.* and Interest.

XV. And be it further enacted, That it shall be lawful for the said *Highgate* Archway Company, and they are hereby authorized and required, to apply the Monies arising from the said additional Tolls to be so collected as aforesaid in repaying to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum of Fourteen thousand Pounds, to be applied, under the Provisions herein-before contained, in making the Alterations and Improvements in the Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said Sum of Fourteen thousand Pounds as shall be for the Time being due and unpaid; such Interest

When the said Sum is paid, additional Tolls to cease.

to be paid by Two Half-yearly Payments in every Year; and when and so soon as the said Sum of Fourteen thousand Pounds, together with the Interest thereon, shall be fully paid off and discharged, the said *Highgate* Archway Company acting in execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty, as aforesaid, shall cease to collect the said additional Tolls.

Distinct Accounts to be kept of the additional Tolls.

XVI. And be it further enacted, That in case the said Tolls on the *Highgate* Archway Road shall be let, the said *Highgate* Archway Company shall keep distinct Accounts of the said additional Tolls, and of the ordinary Tolls by the said last-mentioned Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third authorized to be taken.

If additional Tolls do not amount to 800*l.* yearly, the Highgate Archway Company to make up the same.

XVII. Provided always, and it is hereby further enacted, That in case the additional Tolls herein-before authorized to be taken, collected, and received by the *Highgate* Archway Company as aforesaid, shall not amount to the annual Sum of Eight hundred Pounds, it shall and may be lawful for the said *Highgate* Archway Company, and they are hereby authorized and required, with and out of the original Tolls raised and levied by them within the Limits of their Trust under and by virtue of the said recited Act of the Fiftieth Year of the Reign of His late Majesty as aforesaid, to pay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid such annual Sum or Sums as will, together with the Produce of the said additional Tolls herein-before authorized to be taken, collected, and received by them, make up the said annual Sum of Eight hundred Pounds.

Road to be kept open while Alterations are making.

XVIII. Provided always, and be it further enacted, That during the Time that the said several Alterations and Improvements herein-before authorized and directed to be made in the Road within the *Highgate* Archway Trust as aforesaid are carrying on, the said Road shall be kept open to the Public.

Act not to affect Mortgages, &c. granted for Money advanced on the Credit of the Highgate Archway Tolls.

XIX. Provided also, and be it further enacted, That nothing herein-before contained shall be deemed or construed to extend to alter or lessen or in any way to affect any Bonds, Mortgages, or other Securities whatsoever granted for Money advanced on the Credit of the Tolls authorized to be taken and received by the *Highgate* Archway Company, acting in execution of the said recited Act of the Fiftieth Year of the Reign of His late Majesty King *George* the Third, as aforesaid, under or by virtue of that Act, but that all such Bonds, Mortgages, or other Securities shall remain good, valid, and effectual, to all Intents and Purposes whatsoever; and all and every Persons and Person having lent or advanced any Money on the Credit of the said Tolls shall remain in the same State as if this Act had never been had or made; and all such Person or Persons so having advanced any such Money on the Credit of such Tolls shall have all such Remedies for the recovering of the Sums so advanced, and of all Interest or Dividends payable thereon, as they now have under the said recited Act of the Fiftieth Year of the Reign of His late Majesty

as aforesaid, or any other Act or Acts in force immediately before the passing of this Act; any thing in this Act to the contrary notwithstanding.

Trustees of Hockliffe and Stratford Road to continue additional Tolls.

XX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby required, to continue the additional Tolls by them imposed and raised, and now levied, for the Purpose of paying off the Sum of Seven thousand Pounds advanced under the Powers and Provisions of the said recited Act of the First and Second Years of the Reign of His present Majesty, by the Commissioners for the Issue of Exchequer Bills, to the Commissioners for executing that Act, on account of and appropriated to the making of certain Improvements, Repairs, and Alterations, specified and described in the Schedule (A.) to the said Act, in the Roads within the Limits of the said Trust, and also the further Sum of One thousand five hundred Pounds advanced under the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty, on account of the said Improvements, Repairs, and Alterations, and in making other Improvements between *Hockliffe* and *Stratford*, and all Interest due or to become due on the said Advances, until as well the said Sums of Seven thousand Pounds and One thousand five hundred Pounds so advanced, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the said Trustees of the *Hockliffe* and *Stratford* Road to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of Hockliffe and Stratford Road to repay, out of additional Tolls, the Sums advanced under this Act for Improvements within their District.

XXI. And be it further enacted, That it shall and may be lawful for the Trustees of the *Hockliffe* and *Stratford* Road, and they are hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the said several Sums of Seven thousand Pounds and One thousand five hundred Pounds, and the Interest thereof respectively,) to repay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in altering and improving the Road within the said Trust, and in repairing the same, as herein-before directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

Trustees of the Dunchurch and Stonebridge Trust to continue additional Tolls.

XXII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby required, to continue the additional Tolls by them imposed and raised, and now levied, under the Powers and Authorities of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, for the Purpose of paying off the several Sums

of

of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds, in the said Act mentioned, and all Interest due and to become due on the said several and respective Sums, until as well the said several Sums of Three thousand five hundred Pounds, and Two thousand Pounds, and Twelve thousand Pounds, and all Interest due or to become due thereon respectively, as also the Principal Sum or Sums to be paid by the said Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of the Dunchurch and Stonebridge Trust to repay, out of additional Tolls, the Sums advanced under this Act for Improvements within their Districts.

XXIII. And be it further enacted, That it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby authorized and required, with and out of the said additional Tolls, (but subject and without Prejudice to the Payment of the several Sums of Three thousand five hundred Pounds, Two thousand Pounds, and Twelve thousand Pounds, and Interest thereof respectively,) to repay to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum or Sums to be advanced under the Provisions of this Act, and to be applied in making Improvements in the Road within the Districts of the *Dunchurch* and *Stonebridge* Trust, and in repairing the same, as herein-before directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

When new Road completed between Coventry and Allesley, a Toll Gate to be erected.

XXIV. And whereas by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty it is recited, that by an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the public Roads in and through the City of* Coventry, the Trustees acting in execution of that Act were authorized to erect Toll Gates across or on the Side of the Streets and Lanes therein particularly mentioned, and across or on the Sides of any Roads to be made, widened, or straitened under the Powers of that Act, and across the End of any Lane or Way leading into the same, and to collect at such Toll Gates the Tolls in the said Act mentioned; and reciting that as soon as so much of the new Piece of Road therein-before directed to be made as laid between the Site of the late Walls of the City of *Coventry* and *Hertford Street* in the said City, and so much of the said new Piece of Road as laid between *Saint John's* Church in the said City and the Village of *Allesley*, should be respectively completed and opened to the Public, it would be expedient that the Toll Gates therein-after mentioned should be erected, and the Tolls therein-after mentioned should be collected; it was by the now-reciting Act enacted, that it should be lawful for the Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to erect a Toll Gate in the said City of *Coventry*, across the new Line of Road near *Little Park Street*, and another Toll Gate across the said

new Line of Road from *Coventry* to the Village of *Allesley*, near *Saint John*'s Church aforesaid, together with any Side Gates on any Part of the said new Line of Road, with Toll Houses thereto: And whereas the said new Piece of Road between *Saint John*'s Church in the said City of *Coventry* and the Village of *Allesley* is now forming, and will be shortly completed and finished, and it will be expedient that the Toll Gate by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty authorized to be erected across the new Road near *Saint John*'s Church aforesaid shall be erected as soon as such last-mentioned new Piece of Road shall be completed and opened to the Public; be it therefore enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid, as soon as the said new Line of Road now forming between *Saint John*'s Church in the City of *Coventry* and the Village of *Allesley* aforesaid shall be completed, to erect such Toll Gate across the said new Line of Road at any Place within Half a Mile of *Saint John*'s Church aforesaid, together with Side Gates on any Part of the said new Line of Road, with Toll Houses thereto.

After 25th March 1829, additional Tolls to be taken at the Toll Gate in Much Park Street, Coventry.

XXV. And be it further enacted, That it shall and may be lawful to and for the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, and they are hereby authorized and required, from and after the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, to demand and take, at the Turnpike or Toll Gate or Bar erected under or by virtue of the Powers and Provisions of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, as aforesaid, in *Much Park Street* in the City of *Coventry*, in addition to the ordinary Tolls by the said last-mentioned Act authorized to be collected and taken at the said Gate, the several Tolls following; that is to say,

Additional Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, Gig, or Pleasure Carriage, the Sum of Three Halfpence:

For every Horse, Mare, Gelding, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or Dray, the Sum of One Penny:

For every Horse, Mare, Gelding, Mule, or other Beast, not hereby otherwise charged, laden or unladen, and not drawing, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Twopence Halfpenny *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of One Penny Farthing *per* Score, and so in proportion for any greater or less Number.

Persons travelling through Coventry, having paid

XXVI. Provided always, and be it further enacted, That where any Person or Persons travelling through the City of *Coventry* shall have paid Toll at the said Turnpike or Toll Gate or Bar called the *Much Park Street Gate* or *Bar*, or at the Turnpike or Toll Gate herein-

Toll at Much Park Street Gate, or St. John's Church Gate, not to be liable to Payment at the other Gates.

before authorized and directed to be erected across the new Line of Road herein-before mentioned, near *St. John*'s Church aforesaid, such Person or Persons shall not be charged or liable to the Payment of Toll, on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), at the other of the said Turnpikes or Toll Gates, or at any other Turnpikes or Toll Gates or Bars erected or to be erected under or by virtue of the said recited Act of the Fifty-second Year of the Reign of His late Majesty as aforesaid, for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage, of what Nature or Description soever; and where any Person or Persons travelling through the City of *Coventry* shall have paid Toll at any Turnpike or Toll Gate or Bar erected or to be erected under or by virtue of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, as aforesaid, other than the said Turnpikes or Toll Gates or Bars at *Much Park Street* and near *St. John*'s Church aforesaid, such Person or Persons shall be only subject and liable, on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for or in respect of the same Horse, Beast, or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau, or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage, of what Nature or Description soever, to the Payment, at the Turnpike or Toll Gate at *Much Park Street* aforesaid, of the said additional Toll herein-before authorized and directed to be levied and collected at the said Turnpike or Toll Gate, or at the Turnpike or Toll Gate to be erected near *Saint John*'s Church aforesaid, of One Third Part only of the Tolls by the said recited Act of the said Seventh and Eighth Year of the Reign of His present Majesty as aforesaid authorized and directed to be levied and collected at such Turnpike or Toll Gate.

Trustees under the Act 52 G. 3. c. lvii., for improving the Roads through Coventry, to continue additional Tolls.

XXVII. And be it further enacted, That it shall and may be lawful for the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, until the Powers and Provisions of the said last-mentioned Act are carried into Effect, or until the Term limited by the said Act for the Continuance thereof shall expire, whichever shall first happen, and immediately after the happening of such one of the said Events as shall first happen, it shall and may be lawful for the Trustees of the *Dunchurch* and *Stonebridge* Trust, and they are hereby respectively required, to continue the Tolls to be imposed, raised, and levied by the said Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty as aforesaid, under the Powers and Authorities of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, and of this Act, until as well the said Sum of Twelve thousand Pounds in the said Act of the Seventh and Eighth Years of the Reign of His present Majesty mentioned, and all Interest due and to become due thereon, as also the Principal Sum or Sums to be paid by the said Trustees of the *Dunchurch* and *Stonebridge* Trust to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign

of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Application of the Tolls received under 52 G. 3. c. lvii.

XXVIII. And be it further enacted, That during such Time as the said Tolls hereby authorized to be continued and collected as last aforesaid shall be collected by the said Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, all Monies arising therefrom shall, subject and without Prejudice to the Payment of the said Sum of Twelve thousand Pounds, and the Interest thereon, be applied in manner following; (that is to say,) One equal Third Part thereof shall be paid over by them to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, towards Satisfaction and Discharge of the said Sum of Four thousand Pounds, and the Interest thereof; and the remaining Two Thirds of such Monies shall be applied in paying the Expences of collecting the said Tolls, and in carrying into Execution the several Powers and Provisions of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, and in paying the Principal and Interest of all Sums borrowed under the Powers and Provisions of the said Act; and during such Time as the said Tolls shall be collected by the said Trustees of the *Dunchurch* and *Stonebridge* Trust, the Monies arising therefrom shall, subject and without Prejudice to the Payment of the said Sum of Twelve thousand Pounds, and the Interest thereon as aforesaid, be applied in manner following; that is to say, in the first place in paying the Expences of collecting the said Tolls, and in the next place in paying to the said Commissioners acting in the Execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, the said Principal Sum of Four thousand Pounds to be so expended as aforesaid, and the Interest thereof.

Trustees of the Wolverhampton Trust to continue additional Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Wolverhampton* Trust, and they are hereby authorized and required, to continue the additional Tolls by them imposed and raised, and now levied, for the Purpose of paying off the Sum of Nine thousand Pounds advanced to them by the Commissioners for the Issue of Exchequer Bills, as follows; that is to say, the Sum of Six thousand Pounds, which was advanced on or about the Twentieth Day of *December* One thousand eight hundred and seventeen, and was secured by a Mortgage of the Tolls of the said Trust of that Date, and a Charge of the same Date on the additional Tolls therein mentioned and referred to; and the further Sum of Two thousand five hundred Pounds, which was advanced under the Provisions of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for further improving the Roads between* London *and* Holyhead, *by* Coventry, Birmingham, *and* Shrewsbury; and the further Sum of Five hundred Pounds, which was advanced under the Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty; and also of the Sum of Three thousand Pounds, which was advanced by the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, under the Powers and Provisions of the said recited

1 & 2 G. 4. c. 30.

Act

Act of the Sixth Year of the Reign of His present Majesty; and all Interest due and to become due on the said respective Advances; until as well the said Sums of Nine thousand Pounds and Three thousand Pounds so advanced, and all Interest due and to become due thereon, as also the Principal Sum or Sums to be paid by the said Trustees of the *Wolverhampton* Trust to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, as herein-after directed, together with all Interest thereon, shall be fully paid off and discharged.

Trustees of Wolverhampton Trust to repay, out of additional Tolls, the Sums advanced under this Act.

XXX. And be it further enacted, That it shall and may be lawful for the Trustees of the *Wolverhampton* Trust, and they are hereby authorized and required, with and out of the said additional Tolls, (subject and without Prejudice to the Payment of the said several Sums of Nine thousand Pounds and Three thousand Pounds, and the Interest thereof respectively,) to repay to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, the Sum or Sums to be advanced under the Provisions of this Act, and applied in altering and improving the Road within the District of the said Trustees, and repairing the same, as herein-before directed, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of the advancing thereof, on so much of the said last-mentioned Sum or Sums as shall from Time to Time remain due and unpaid.

After 1st Jan. 1829, Trustees of Shiffnall Trust empowered to take new Tolls.

XXXI. And whereas under and by virtue of the Powers and Authorities of the said recited Act of the First and Second Years of the Reign of His present Majesty, for improving the Roads between *London* and *Holyhead*, a Sum of Two thousand Pounds was, by the Commissioners for the Issue of Exchequer Bills, acting in execution of Three several Acts passed, the First thereof in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor of* Great Britain, *in manner therein mentioned*; the Second of the said Acts in the same Fifty-seventh Year, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor*; and the last of the said Acts in the First Year of the Reign of His present Majesty, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor; and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain; advanced to the Commissioners for executing the said recited Act of the Fifty-fifth Year of the Reign of His late Majesty, and applied by them towards making a Variation between *Knowles Bank* and *Mumporn Hill*, from *Knowles Bank* to the Toll Bar, and from the Toll Bar to *Mumporn Hill*, which said Sum of Two thousand Pounds was to be repaid out of certain additional Tolls to be raised and

57 G. 3. c. 34.

57 G. 3. c. 124.

1 G. 4. c. 60.

received

received by the Trustees of the *Shiffnall* District of the *Watling Street* Road, as in the said last-mentioned Act is directed: And whereas, in pursuance of the Provisions contained in the said Act, the said additional Toll has been collected, and the Monies arising therefrom applied in or towards Payment of the Principal and Interest of the said Sum of Two thousand Pounds: And whereas under the Provisions of the said recited Act of the Sixth Year of the Reign of His present Majesty, for further improving the Road from *London* to *Holyhead*, the Sum of Four thousand Pounds has been applied by the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, for further improving the Road within the Limits of the said Trustees of the *Shiffnall* District of the *Watling Street* Road; and the said last-mentioned Trustees were by the said recited Act of the Sixth Year of the Reign of His present Majesty, as aforesaid, required to continue the additional Tolls by them imposed and raised, and then levied, for the Purpose of paying off the said Sum of Two thousand Pounds and Interest, until as well the said Sum of Two thousand Pounds, and all Interest then due and to become due thereon, as also the said Sum of Four thousand Pounds, together with all Interest thereon, should be fully paid off and discharged: And whereas it will be necessary that some Provision should be made for the Repayment of the Sum of Five thousand five hundred Pounds herein-before directed to be applied in altering and improving the Road within the said Trust, and the Interest thereof, as herein-after mentioned; be it therefore further enacted, That the said Trustees of the *Shiffnall* District of the *Watling Street* Road shall, from and after the First Day of *January* One thousand eight hundred and twenty-nine, cease to demand and take the additional Tolls by the said recited Act of the First and Second Years of the Reign of His present Majesty authorized to be taken, and by the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty directed to be continued as therein mentioned; and in lieu thereof the said Trustees shall and they are hereby authorized and required to demand and take, at the several Turnpike Gates, Bars, or Side Gates, or Chains, which are or shall be standing and being or continued or erected by virtue of the said recited Act of the Sixth Year of the Reign of His present Majesty, for improving the Roads leading through the Town of *Shiffnall*, and the Road leading from *Oaken Gates* to *Weston*, in the Counties of *Salop* and *Stafford*, or any other Act, upon, across, or on the Side or Sides of the said Road, or any Part thereof, being Part of the *Holyhead* Mail Coach Road, besides the ordinary Tolls by the said last-mentioned Act authorized to be taken, the several Tolls following; that is to say,

New Tolls.

For every Horse or Mule drawing any Coach, Chariot, Chaise, Chair, or such like Carriage, Three-pence:

For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, with Wheels of the Breadth of Six Inches or upwards, Three-pence:

For every Horse or Mule drawing any Waggon, Cart, or such like Carriage, with Wheels of less Breadth than Six Inches, Four-pence:

For every Ass or Ox, or other Neat Cattle, drawing any Carriage, Two-pence:
For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny:
For every Ox, Bull, Cow, or Heifer, One Halfpenny:
For every Calf, Pig, Sheep, or Lamb, One Farthing:

And the said additional Tolls shall be continued to be taken and collected until as well the said Two several Sums of Two thousand Pounds and Four thousand Pounds, with the Interest now due and to become due in respect thereof on so much thereof as still remains unpaid, as also the said Sum of Five thousand five hundred Pounds herein-before authorized to be applied in making the Alterations and Improvements in the Road within the said Trust, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum*, shall be fully paid and satisfied.

Application of additional Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees of the *Shiffnall* District of the *Watling Street* Road, and they are hereby authorized and required, to apply the Money arising from the said additional Tolls to be so collected by them as aforesaid, in the first place, in Payment of the said Two several Sums of Two thousand Pounds and Four thousand Pounds, and the Interest thereof respectively, or so much thereof as still remains due and unpaid; in the next place, in repaying to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty the Sum of Five thousand five hundred Pounds, to be applied, under the Provisions herein-before contained, in making the Alterations and Improvements in the Road within the said Trust, together with Interest at the Rate of Four Pounds *per Centum per Annum*, to be computed from the Time or respective Times of advancing the same, on so much of the said last-mentioned Sum of Five thousand five hundred Pounds as shall be for the Time being due and unpaid, such Interest to be paid by Two Half-yearly Payments in every Year; and when and so soon as the said Sum of Five thousand five hundred Pounds, together with the Interest thereon, shall be fully paid off and discharged, the said Trustees acting in execution of the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty as aforesaid shall cease to collect the said additional Tolls.

Distinct Accounts to be kept of the said additional Tolls.

XXXIII. And be it further enacted, That in case the said Tolls within the *Shiffnall* District of the *Watling Street* Road shall be let, the said Trustees shall keep distinct Accounts of the said additional Tolls, and of the ordinary Tolls by the said last-mentioned Act of the Sixth Year of the Reign of His present Majesty authorized to be taken.

Tolls to be continued, subject to existing Powers and Provisions,

XXXIV. And be it further enacted, That all the said additional Tolls hereby authorized to be taken, collected, and received by the said *Highgate* Archway Company, the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty, for improving the public Roads through the City of

Coventry aforesaid, and the Trustees of the *Shiffnall* District of the *Watling Street* Road as aforesaid, shall and may be demanded, taken, collected, and recovered by the said Company and Trustees respectively, by and under all such and the like Powers, Authorities, Provisions, and Remedies as other Tolls now are demanded, taken, collected, and recovered on the several Roads now under the Management of the said Company and Trustees respectively; and all and every Act, and all Clauses, Exemptions, Penalties, Forfeitures, and Provisions relating to the several Roads within the Limits and Districts of such Company and Trustees respectively, and to the Tolls taken thereon, shall be in full Force, Operation, and Effect, as far as the same are applicable to the said several additional Tolls hereby authorized to be taken thereon respectively, and shall be exercised and put in force by the said Company and Trustees respectively, as fully and effectually as if the same were repeated and re-enacted in and by this Act with relation to the said additional Tolls hereby authorized to be collected; and also that the several additional and other Tolls which are and which are to be continued to be levied and raised by the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, the Trustees acting in the Execution of the Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, for improving the public Roads through the City of *Coventry*, and the Trustees of the *Wolverhampton* Trust, as herein-before is directed, shall, during the Time that they are hereby required to be continued, be levied and raised, and be accounted for and paid over, in the Manner and under the Powers and Provisions of the several Acts under which such additional and other Tolls are now collected and taken by such respective Trustees; and in case the said Company or Trustees, or any or either of them, shall refuse or neglect to levy, collect, or continue the said additional and other Tolls, or shall lower the same, or shall make Default in Payment of the Sum or Sums to be paid by them as herein-before directed, or the Interest thereof, before the same Sums and the Interest thereof shall be fully paid off and discharged, it shall and may be lawful for the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to enter upon and take Possession of the Toll Gates, Bars, and Toll Houses of the Company or Trustees making Default, and to collect, take, receive, and recover the Tolls arising on the Road under the Care of the Company or Trustees making Default, and to pay over the same in manner directed by the said several Acts under which such additional and other Tolls are now raised, collected, and taken by such Company and Trustees, and by this Act, and to execute all the Powers, Provisions, and Authorities in and by the said several Acts in such Case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

with Powers for Commissioners of 4 G. 4. to take Possession of Toll Gates in case of Default.

XXXV. And be it further enacted, That in case the Sum which by the said recited Act of the Seventh Year of the Reign of His present Majesty is made applicable to the making Alterations and Improvements in the Road between *Old Stratford* in the County of *Northampton* and *Dunchurch* in the County of *Warwick*, shall be found insufficient for the Purpose of completing the Alterations and Improvements

If the Sums applicable to the Improvements between Old Stratford and Dunchurch Hills are in-

sufficient, the Deficiency, to the Extent of 1,000*l.* to be paid out of the Tolls.

provements proposed to be made at *Gullet Hill*, between *Old Stratford* and *Towcester*, the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty shall certify the Amount of the Deficiency to the Trustees of the *Stratford* and *Dunchurch* Trust; and the said Trustees shall pay the Amount of such Deficiency, provided the same shall not exceed the Sum of One thousand Pounds, out of the additional Tolls to be collected on the Road within the said Trust, subject nevertheless to the Payment, in the first place, of the Two several Sums of Eight thousand Pounds and Five thousand Pounds, and the Interest thereof respectively, or such Part thereof as now remains due and unpaid, to the Commissioners for the Issue of Exchequer Bills, mentioned in the said recited Act of the Seventh Year of the Reign of His present Majesty; any thing in the said recited Act of the Seventh Year of the Reign of His present Majesty, or any other Act, to the contrary notwithstanding.

The new Pieces of Road between Towcester and Forster's Booth, to be made over to the Trustees of the Stratford and Dunchurch Trust.

XXXVI. And whereas several new Pieces of Road have been made and completed by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, between *Towcester* and *Forster's Booth* in the County of *Northampton*, within the Limits and District of the *Stratford* and *Dunchurch* Trust; be it further enacted, That from and after the First Day of *September* next the said new Pieces of Road shall be made over by the said last-mentioned Commissioners to and vested in the Trustees acting in execution of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for continuing and amending Three Acts of His late Majesty, for repairing the Road from* Old Stratford *in the County of* Northampton *to* Dunchurch *in the County of* Warwick, and shall be from thenceforth maintained, repaired, and supported by such Trustees, in the Manner, and under the same Powers, Authorities, and Provisions, as the old Roads in lieu of which such new Pieces of Road have been made was previously maintained, repaired, and supported.

Application of the Money paid by the Highgate and other Trusts to the Commissioners.

XXXVII. And be it further enacted, That the several Sums of Money to be from Time to Time paid by the Trustees of the *Highgate* Archway Trust, the Trustees of the *Hockliffe* and *Stratford* Trust, the Trustees of the *Dunchurch* and *Stonebridge* Trust, the Trustees acting in execution of the said recited Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, for improving the public Roads through the City of *Coventry*, the Trustees of the *Wolverhampton* Trust, the Trustees of the *Shiffnall* District of the *Watling Street* Road, under the Provisions herein-before contained, to the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, in the Repayment of the Money to be advanced pursuant to the Provisions of this Act, and the Interest thereof, shall be paid by them the said last-mentioned Commissioners into the Exchequer at *Westminster*, to the Account of the Consolidated Fund; and that the Receipts of the said last-mentioned Commissioners, or any Three of them, for any Sums of Money to be so paid to them, shall be sufficient Discharges to the Trustees by whom the same shall be paid,

and

and shall protect them from being bound to see to the Application thereof, or from being answerable for the Misapplication or Non-application thereof.

Carts, &c. with projecting Nails on the Wheels not to be drawn over the Holyhead Road, between Shrewsbury and Llangollen, and between Bangor and Holyhead.

XXXVIII. And whereas that Part of the Road from *London* to *Holyhead* which is situated between the Town of *Shrewsbury* in the County of *Salop* and *Llangollen* in the County of *Denbigh*, passing by or through *Montford Bridge* and *Oswestry*, being the present Mail Coach Line of Road, and between the *Menai Bridge*, near the Town of *Bangor* in the County of *Carnarvon*, and *Holyhead* in the Isle of *Anglesea*, passing by the *New Menai Inn*, *Llanfair* Toll Gate, and the new Embankments on *Stanley Sands*, being the present Mail Coach Line of Road, is liable to be damaged by Carts, Waggons, or other Vehicles passing over the same with projecting Nails on the Wheels; be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twenty-nine, it shall not be lawful for any Person to drive any Cart, Waggon, or other Vehicle over or along the said Roads between *Shrewsbury* and *Llangollen*, and between *Bangor* and *Holyhead* as aforesaid, or over or along any Part or Parts thereof respectively, the Wheels of which shall have Nails projecting beyond the Surface of the Tires, or have the Tires beyond the Breadth of Three Inches; and that the Gate Keepers on the said Roads, or either of them, shall not, after the said First Day of *May* One thousand eight hundred and twenty-nine, allow any such Cart, Waggon, or other Vehicle to pass along the same or any Part thereof; and that if any Person shall drive any such Cart, Waggon, or other Vehicle over or along the said Roads, or either of them, or any Part or Parts thereof respectively, after the said First Day of *May* One thousand eight hundred and twenty-nine, he shall forfeit and pay the Sum of Five Pounds, which Sum shall be recoverable in the same Manner as Penalties and Forfeitures under the said recited Act of the Fourth Year of the Reign of His present Majesty are by that Act authorized to be recovered, and shall be applied in the same Manner and to the same Purposes as the Tolls to be collected on the said Roads.

Commissioners empowered to make over to the Trustees of the Hockliffe and Stratford Road, Pieces of Land at Fenny Stratford not wanted for the Purposes of this Act.

XXXIX. Provided always, and be it further enacted, That when the Alterations and Improvements herein-before authorized to be made by the said Commissioners for carrying into Execution the said recited Act of the Fourth Year of the Reign of His present Majesty, in the Line of Road within the Limits and District of the *Hockliffe* and *Stratford* Trust, shall be made and completed, the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty as aforesaid shall be and they are hereby authorized and empowered to make over and convey all or any Part of the Ground which they may be possessed of, or which may be acquired by them in taking down the several Houses at *Fenny Stratford* in the County of *Buckingham*, mentioned in the Schedule hereto annexed, and which may not be wanted for the Purposes of this Act, to the said Trustees of the *Hockliffe* and *Stratford* Road, acting in execution of the said recited Act of the Forty-ninth Year of the Reign of His late Majesty

King *George* the Third as aforesaid; and the same shall thenceforth be vested in such last-mentioned Trustees, and shall and may be appropriated and applied by them in such Manner and for such Purposes as they shall think expedient.

Commissioners empowered to defray the Expences of Surveyors, &c. required to attend before them for the Purposes of the Inquiry directed by 7 & 8 G. 4. c. 35.

XL. And whereas by the said in part recited Act of the Seventh and Eighth Year of the Reign of His present Majesty it was (amongst other Things) also enacted, that it should be lawful for the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty to inquire into the State of the several Trusts in which the several Roads forming the Lines of Communication by which His Majesty's Mails travelled between *London* and *Holyhead*, and between *London* and *Liverpool*, were comprised, and to ascertain the Amount of the annual Income from Tolls, and Expenditure, of such several Trusts, and of the Proportions of such Income and Expenditure received and expended in respect of maintaining and repairing the said several Roads forming the said Communication, and also to inquire into the Method in which the said Roads were maintained and repaired; and that for the Purposes aforesaid it should be lawful for the said Commissioners, or any Three of them, to summon before them any Surveyors, Treasurers, Clerks, or other Officers employed by the said Trustees or Commissioners in respect of the said Roads, and the said Surveyors, Treasurers, Clerks, or other Officers should, if required, produce all Books of Account, Plans, Maps, Papers, Documents, and Writings in their Possession respectively, and should allow the said Commissioners, or any or either of them, or any Person or Persons appointed for that Purpose by them or any Three of them, by any Writing under their Hands, to inspect, examine, and take Copies of or Extracts from the same or any or either of them: And whereas it is expedient that some Provision should be made for defraying the Expences incurred by any Treasurers, Surveyors, Clerks, or other Officers who may from Time to Time be required by the said Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His present Majesty, to attend before them, in pursuance of the said recited Provision for that Purpose contained in the said last in part recited Act; be it therefore enacted, That it shall be lawful for the said last-mentioned Commissioners, and they are hereby authorized and empowered, by and out of the Monies applicable to the Purposes of the said in part recited Act of the Seventh and Eighth Year of the Reign of His present Majesty, or of this Act, to pay and allow to such Treasurers, Surveyors, Clerks, or other Officers who may be from Time to Time required by the said Commissioners to appear before them in pursuance of the said Provision for that Purpose contained in the said Act of the Seventh and Eighth Year of His present Majesty, such reasonable Sum or Sums of Money as they the said Commissioners may think proper, for defraying the Expences which may be incurred by any such Treasurer, Surveyor, Clerk, or other Officer, in travelling to and from the Place or Places at which he may be required to attend before such Commissioners, and during the Time he or they may be in such Attendance.

XLI. And

XLI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

The SCHEDULE to which this Act refers.

Fenny Stratford Improvement.

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
House and Barber's Shop	James Law	Joseph Warner.	
House	Ditto	Thomas Brooks.	
House	Ditto	William Cook.	
House, Blacksmith's Shop, and Garden	William Herbert	Self.	
House	James Law	Mary Smith.	
House	Ditto	George Stevens.	
House	Ditto	Thomas Pool.	

Wolverhampton Improvement.

Small Nook of Land	Thomas Robinson	Thomas Robinson.	
A Croft	Marquis of Cleveland	Ditto.	
A Garden	Ditto	Ditto	Joseph Walter, junior.
A House, Yard, and Shed	Joseph Walker	Robert Nabs.	
Ditto	Ditto	Francis Weaver.	
Garden	Chamberlain Parks	John Pool.	
Ditto	William Tomkys Price, Esq.	Samuel Morris.	
Ditto	Ditto	Elizabeth Wright.	
Ditto	Ditto	William Macdough.	
Ditto	Ditto	Thomas Jones.	
Ditto	Ditto	John Jones.	
Ditto	Ditto	William Thomas.	
Ditto	Ditto	Hannah Whitehouse.	
Ditto	Ditto	Dorothy Draper.	
Road to Gardens	Ditto	Joseph Allen.	
Garden	Ditto	Ditto.	
Ditto	Ditto	Dorothy Draper.	
Ditto	Ditto	William Tudor.	
Part of a Brick Field	Marquis of Cleveland	Messrs. Thomas Timmens and John Moreton	Joseph Baker, William Tudor.
Other Part of Ditto	Ditto	Ditto	Joseph Baker.
A Garden	Ditto	Ditto	John Howell.
Ditto	Ditto	Ditto	Thomas Allen.
Ditto	Ditto	Ditto	Thomas Brisband.
Ditto	Ditto	Ditto	Thomas Mason and Thomas Phibbs.

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
A Garden	Marquis of Cleveland	Messrs. Thomas Timmens and John Moreton.	John Fairbank.
Ditto	Ditto	Ditto	Thomas Meredith, Thomas Harwick.
Ditto	Ditto	Ditto	John Bennett.
Ditto	Ditto	Ditto	John Lloyd.
Ditto	Ditto	Ditto	William Gregory, Samuel Whatmore.
Ditto	Ditto	Mr. William Ryton	John Langman.
Ditto	Ditto	Ditto	Joseph Baker.
Ditto	Ditto	Ditto	Sarah Scott.
Ditto	Ditto	Ditto	Edward Griffin.
Ditto	Ditto	Ditto	Thomas Shall.
House	Ditto	Ditto	Ditto.
Stable	Ditto	Ditto	Thomas Plunkett.
House	Ditto	Ditto	William Morrisson.
Garden	Ditto	Ditto	Ditto.
House and Garden	Ditto	Ditto	William Smith.
Ditto	Ditto	Ditto	George Biddle.
Garden	Ditto	William Lewis	John Walker.
Ditto	Ditto	Ditto	Thomas Plunkett.
Ditto	Ditto	Ditto	Self, and William Gregory.
Ditto	Ditto	Benjamin Cresswell.	
Ditto	Ditto	Edward Walker.	
House, Shop, and Premises	John Penn	James and Richard Shipman.	
House, Yard, Garden, and Premises	Ditto	Misses Mary Isaac and Mary Brooke.	
House, Malthouse, Yard, and Premises	Ditto	Self.	
Buildings and Yard, Road, &c.	Ditto	Ditto.	
Croft	Ditto	Ditto.	
Rope Walk	The Prebendary of Knivaston	Alexander Hordern, Esquire	Edward Griffin.
Croft	Ditto	Ditto	Joseph Crowshawe.
House, Shop, and Premises	Ditto	Ditto	Richard Newman.
House and Premises	Ditto	Ditto	John Earp.
House, Yard, Garden, and Premises	Ditto	Ditto	Joseph Crowshawe.
House and Premises	Ditto	Ditto	Richard Mason.
House, Yard, Garden, and Premises	Ditto	Ditto	Sarah Brierley.
House and Shop	Elizabeth Hollis	Thomas Parry.	
Ditto	Ditto	Thomas Pughton.	
Ditto	Ditto	Robert Finchet.	
Ditto	Ditto	Richard Foster.	
Ditto	Ditto	Elizabeth Lamsdale.	
House	James Coley	Isaac Stanniford.	
Ditto	Ditto	Self.	
Plot of Land	Richard Fryer, Esq.	Self.	

PROPERTY.	PROPRIETORS.	TENANTS.	UNDERTENANTS.
House	Sarah Brierley	Benjamin Paulton.	
Ditto	Thomas Bird	Henry Leatherhead.	
Ditto	Ditto	Daniel Nixon.	
Ditto	Ditto	Charles Wood.	
Ditto	Ditto	Thomas Tonks.	
Ditto	Ditto	Ditto.	
House and Shed	Benjamin Pitt	Richard Bennett.	
House	Ditto	Joseph Amos.	
Ditto	Ditto	Enoch Cresswell.	
Ditto	Ditto	Richard Bridgen.	
Ditto	Thomas Dutton	Mary Bennett.	
Ditto	Ditto	James Hill.	
Ditto	Ditto	John Evans.	
Ditto	Joseph Jones	Richard Chebsey.	
Ditto	James Hill	John Cresswell.	
Ditto	Ditto	Charles Hilton.	
Ditto	Thomas Dutton	Hannah Gruby.	
Ditto	Sarah Brierley	Thomas Millwood.	
Ditto	John Welch	Self.	
House and Brewhouse	James Johnson	Charles Wilkes.	
House	John Fisher	William Hamlet.	
Ditto	Elizabeth Ward	Richard Coley.	
Ditto	Joseph Jones	Self.	
Ditto	George Brooks	Isaac Cresswell.	
Ditto	Ditto	George Brooks.	
Shop	Ditto	Ditto.	
Shiffnal Improvement.			
House	Honble Sidney Herbert	Walter Brook.	
Ditto	Ditto	William Cullwick.	
Ditto	Ditto	Charles Fox Cullwick.	
Ditto	Ditto	Thomas Sherrard.	
Ditto	John Powell	Edward Williams.	
Public House (King's Head)	Ditto	James Sandford.	
Stable and Barn	Josiah Harding, William Eyke, and William Jellicoe (Peter Harding's Devisees)	John Hassall.	
Open Yard	Ditto	Ditto.	
Court Yard	Ditto	Ditto.	
Garden	Ditto	Ditto.	
Stables and Yard	Robert Pidgeon	Self.	
House	Honble Sidney Herbert	Gilbert Brown.	
Shop	Ditto	Ditto	Joseph Wright.
Ditto	Ditto	Ditto	William Higgins.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXVI.

An Act to amend the Laws relating to the Customs.

[25th *July* 1828.]

WHEREAS several Acts were passed in the Sixth Year of His Majesty's Reign, for consolidating the Laws of the Customs, and it is found necessary to make certain Alterations and Amendments therein; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *August* One thousand eight hundred and twenty-eight, the several Enactments herein-after contained shall come into and be and continue in full Force and Operation, for all the Purposes mentioned therein.

Time of the Commencement of the Act.

II. And whereas one of the said Acts was passed for the Management of the Customs, and it is expedient to amend the said Act; be it therefore enacted, That no Commissioner or Assistant Commissioner of Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs, or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or Assistant Commissioner, or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve as a

Management.

Officers of Customs not liable to serve Parochial and other local Offices.

Mayor or Sheriff, or in any Corporate or Parochial or other Public Office or Employment, or to serve on any Jury or Inquest, or in the Militia; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Regulation.
Packages for Wine or for Segars.

III. And whereas one other of the said Acts was passed for the general Regulation of the Customs, and it is expedient to amend the said Act; be it therefore enacted, That so much of the said Act as restricts the Importation of Wine except in certain Quantities, and also so much of the said Act as prohibits the Importation of Segars in Packages containing One hundred Pounds Weight of Segars, shall be and the same is hereby repealed.

Clocks, &c. with false Marks prohibited.

IV. And whereas it is expedient to prohibit the Importation of Clocks and Watches having false Marks or Names thereon; be it therefore enacted, That it shall not be lawful to import any Clock nor any Watch impressed with any Mark or Stamp appearing to be or to represent any legal *British* Assay Mark or Stamp, or purporting by any Mark or Appearance to be of the Manufacture of the United Kingdom, or not having the Name and Place of Abode of some Foreign Maker Abroad visible on the Frame and also on the Face, or not being in a complete State with all the Parts properly fixed in the Case; and that such Prohibition shall be complied with and enforced in like Manner as if the same were set forth in a certain Table denominated "A Table of Prohibitions and Restrictions Inwards," contained in the said Act for the general Regulation of the Customs.

Prohibited Goods from Guernsey, &c.

V. And be it further enacted, That no Goods which are prohibited to be imported into the United Kingdom from Foreign Countries shall be imported from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, although the Manufacture of any of those Islands, if the Materials of which such Goods be made are the Produce of any Foreign Country; and that this Prohibition shall be obeyed and enforced in like Manner as if the same were set forth in a certain Table contained in the said Act for the general Regulation of the Customs, and denominated "A Table of Prohibitions and Restrictions Inwards."

Duties overcharged not to be repaid after Three Years.

VI. And whereas by the said last-mentioned Act it is enacted, that no Overcharge of Duty shall be returned, unless the same be claimed within Three Years from the Date of the Payment; and much Inconvenience has arisen, as well from the Uncertainty in many Cases of the Proceeding which shall constitute a Claim, as from the Neglect of Parties, after a Claim or supposed Claim has been made, in prosecuting the Adjustment of their Demand according to the true Meaning of the Law; be it therefore enacted, That from and after the Fifth Day of *January* One thousand eight hundred and twenty-nine, no Overcharge of Duty of Customs shall be returned, nor shall any Certificate or other Document granted for the Return of any such Overcharge be paid, unless such Certificate or other Document be presented for Payment within Three Years from the Day on which such Duty had been paid.

VII. And

Smuggling.

Persons detained under the Smuggling Laws, One Justice may commit before hearing the Case.

VII. And whereas one other of the said first-mentioned Acts was passed for the Prevention of Smuggling, and it is expedient to amend the said Act: And whereas by the said Act it is enacted, that Two Justices of the Peace may order any Person or Persons who shall have been arrested and detained for any Offence against any Act for the Prevention of Smuggling, to be detained a reasonable Time, as well before as after any Information shall have been exhibited against such Party: And whereas great Difficulty has arisen in procuring the Attendance of the same Two Justices who ordered the Party to be detained, to hear and determine the Case; and it is expedient that One or more Justices should have the Power to direct such Person or Persons to be detained a reasonable Time, as well before as after any Information shall have been exhibited against such Party: Be it therefore enacted, That in all Cases where any Person or Persons shall be detained for any Offence against the Laws now in force or hereafter to be made for the Prevention of Smuggling, or relating to the Revenue of Customs or Excise, and shall be taken before One or more Justices of the Peace, to be dealt with according to Law, if it shall appear to such Justice or Justices that there is reasonable Cause to detain such Person or Persons, such Justice or Justices may, and he and they is and are hereby authorized to order such Person or Persons to be detained a reasonable Time, as well before as after any Information has been exhibited against such Party, and at the Expiration of such Time any Two or more Justices may proceed finally to hear and determine the Matter; any Law, Custom, or Usage to the contrary notwithstanding.

Navigation.

Honduras Ships to trade with Possessions in America.

VIII. And whereas one other of the said first-mentioned Acts was passed for the Encouragement of Shipping and Navigation, and it is expedient to amend the said Act: And whereas by the Law of Navigation contained in the said Act certain Ships built in the *British* Settlements at *Honduras* are, under certain Conditions and Regulations, entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom and the said Settlements; and it is expedient to permit such Ships to trade in like Manner with the *British* Possessions in *America*: Be it therefore enacted, That under the Conditions and Regulations aforesaid, contained in the said Act, such Ships shall be entitled to the Privileges of *British* registered Ships in all direct Trade between any of the *British* Possessions in *America* and the said Settlements.

Mediterranean Passes issued to Inhabitants at Malta, &c.

IX. And be it further enacted, That no *Mediterranean* Pass shall be issued for the Benefit of any Person, as being an Inhabitant of *Malta* or of *Gibraltar*, but not being a Person entitled to be an Owner of a *British* registered Ship, unless such Person shall have resided at *Malta* or at *Gibraltar* respectively upwards of Fifteen Years prior to the Tenth Day of *October* One thousand eight hundred and twenty-seven.

Duties.

New Duties.

X. And whereas one other of the said first-mentioned Acts was passed for granting Duties of Customs, and it is expedient to amend the said Act; be it therefore enacted, That instead of the Duties imposed

Duties.

posed by the said last-mentioned Act upon the several Articles mentioned in the Tables contained in this Act, and denominated "Table of New Duties Inwards, 1828," and "Table of New Duties Outwards, 1828," the several Duties set forth in Figures in the said Tables shall, in respect of such Goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty, in like Manner as if such Duties had been imposed in and by the said last-mentioned Act, and had been set forth in the Tables thereunto annexed; (that is to say),

TABLE OF NEW DUTIES INWARDS, 1828.

	£	s.	d.
Alkali imported from any Place within the Limits of the East India Company's Charter, *viz.*			
——— any Article containing Soda or Mineral Alkali, whereof Mineral Alkali is the most valuable Part, (such Alkali not being otherwise particularly charged with Duty)			
- - - - - if not containing a greater Proportion of Mineral Alkali than 20 per Centum,			
- - - to the 6th of January 1829 - the Ton	8	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	6	10	0
- - - from and after the 5th of January 1830 - - - the Ton	5	0	0
- - - - - if containing more than 20 per Centum, and not more than 25 per Centum, of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	11	5	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	8	12	0
- - - from and after the 5th of January 1830 - - - the Ton	6	12	0
- - - - - if containing more than 25 per Centum, and not more than 30 per Centum, of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	14	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	11	0	0
- - - from and after the 5th of January 1830 - - - the Ton	8	10	0
- - - - - if containing more than 30 per Centum, and not more than 40 per Centum, of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	18	10	0
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	14	0	0
- - - from and after the 5th of January 1830 - - - the Ton	11	0	0
- - - - - if containing more than 40 per Centum of Mineral Alkali,			
- - - to the 6th of January 1829 - the Ton	22	6	8
- - - from the 5th of January 1829 to the 6th of January 1830 - the Ton	17	0	0
- - - from and after the 5th of January 1830 - - - the Ton	13	0	0

Duties.

	£	s.	d.
Bottles of green or common Glass, full, but not containing Wine or Spirits, computing all Bottles of not greater Content than Half a Pint, as of the Content of Half a Pint; and all Bottles of greater Content than Half a Pint, and not of greater Content than a Pint or a reputed Pint, as of the Content of a Pint or of a reputed Pint, *viz.*			
——— imported from any Foreign Place, the Dozen Quarts Content	0	2	0
——— imported from any British Possession, and although containing Wine or Spirits, the Dozen Quarts Content	0	1	0
Bugles - - - - - - - - - - the lb.	0	2	0
Castor Nuts or Seeds, imported from any British Possession, the cwt.	0	0	6
Castor Oil, imported from any British Possession - - the lb.	0	0	3
Cedar Wood, imported from any British Possession - the Ton	0	10	0
Ceiba Tree Cotton or Silk Cotton, imported from any British Possession - - - - - - the cwt.	0	0	4
Coir Rope - - - - - - - - - the cwt.	0	5	0
——— old, and fit only to be made into Mats - the Ton	0	5	0
Fustic, imported from any British Possession - - the Ton	0	3	0
Gum, *viz.*			
——— Arabic, imported from any British Possession, the cwt.	0	6	0
——— Guaiacum, imported from any British Possession, the lb.	0	0	3
——— Senegal, imported from any British Possession, the cwt.	0	6	0
Hair, *viz.*			
——— Horse Hair - - - - - - - - the cwt.	0	0	6
——— Human Hair - - - - - - - the lb.	0	1	0
——— not particularly charged with Duty in this or any other Act - - - for every 100*l.* of the Value	5	0	0
Hides, *viz.* Horse, Mare, Gelding, Buffalo, Bull, Cow, or Ox Hides, *viz.*			
——— tanned and not otherwise dressed - - the lb.	0	0	6
- - - the Produce of, and imported from any British Possession - - - - - the lb.	0	0	3
- - - cut or trimmed - - - - - the lb.	0	0	9
- - - the Produce of, and imported from any British Possession - - - the lb.	0	0	4½
——— and Pieces of Hides tawed, curried, or in any way dressed - - - - - - - the lb.	0	0	9
- - - the Produce of, and imported from any British Possession - - - - - the lb.	0	0	4½
- - - cut or trimmed - - - - - the lb.	0	1	2
- - - the Produce of and imported from any British Possession - - - the lb.	0	0	7
Latten, *viz.*			
——— Black - - - - - - - - - the cwt.	0	8	0
——— Shaven - - - - - - - - the cwt.	0	12	0
Leaf Metal (except Leaf Gold), the Packet, containing 250 Leaves	0	0	3
Lead Ore, from the 1st of December 1828 - - the Ton	1	5	0
Leather, Pieces of Leather, or Leather cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, for every 100*l.* of the Value	30	0	0

Duties.

	£	s.	d.
Logwood, imported from any British Possession - the Ton	0	3	0
Mahogany, imported from Jamaica - - - - the Ton	4	0	0
——— Mats and Matting, imported from any British Possession - - for every 100*l.* of the Value	5	0	0
Oil, *viz.*			
——— of Carraway - - - - - the lb.	0	4	0
——— of Olives, imported in a Ship belonging to any of the Subjects of the King of the Two Sicilies, and not warehoused before the 1st of August 1828, in addition to the Duties imposed by any other Act, the Tun	1	1	0
——— of Hempseed, Linseed, and Rape Seed, and Seed Oil, not particularly charged with Duty in this or any other Act, imported from any British Possession, the Tun	1	0	0
Opium - - - - - - - - - - the lb.	0	4	0
Orsedew - - - - - - - - the lb.	0	0	6
Pictures, being 200 square Feet or upwards - - each	10	0	0
Plums, dried - - - - - - the cwt.	1	7	6
Prunelloes - - - - - - the cwt.	1	7	6
Rice, the Produce of, and imported from any British Possession, *viz.*			
——— in the Husk - - - - - the Quarter	0	0	1
——— not in the Husk - - - - the cwt.	0	1	0
Rhubarb - - - - - - - - the lb.	0	2	8
——— imported from any British Possession - the lb.	0	2	6
Sago, imported from any British Possession, *viz.*			
——— Pearl - - - - - the cwt.	1	0	0
——— Common - - - - - - the cwt.	0	1	0
——— Powder - - - - - the cwt.	1	0	0
Skins, *viz.* Calf or Kip Skins, *viz.*			
——— tanned, and not otherwise dressed - - the lb.	0	0	9
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	4½
- - - - cut or trimmed - - - the lb.	0	1	2
- - - the Produce of, and imported from any British Possession - the lb.	0	0	7
——— tawed, curried, or in any way dressed - the lb.	0	1	0
- - - - the Produce of, and imported from any British Possession - - - - the lb.	0	0	6
- - - - cut or trimmed - - - - the lb.	0	1	6
- - - the Produce of, and imported from any British Possession - the lb.	0	0	9
——— Kangaroo Skins, raw and undressed, imported from any British Possession, for every 100*l.* of the Value	5	0	0
——— Martin Skins, undressed, imported from any British Possession - - - - - the Skin	0	0	3
Spirits, or Strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, not sweetened nor mixed with any Article so that the Degree of Strength cannot be exactly ascertained by Sike's Hydrometer;			
——— for every Gallon of any Strength not exceeding the Strength of Proof by Sike's Hydrometer, and so in proportion for any greater Strength than the Strength of Proof - - - - - - - -	0	15	0
Tallow, imported from any British Possession in Asia, Africa, or America - - - - - the cwt.	0	1	0

Duties.

	£	s.	d.
Tiles, *viz.*			
——— Dutch Tiles - - for every 100*l.* of the Value	15	0	0
Tortoise Shell, unmanufactured, imported from any British Possession - - - - - the lb.	0	0	6
Turmeric, imported from any British Possession - the cwt.	0	2	4
Wax, Bees, *viz.*			
——— imported from any British Possession, *viz.*			
- - - unbleached - - - - - the cwt.	0	10	0
- - - in any Degree bleached - - - the cwt.	1	0	0
Wool, *viz.*			
——— Cotton Wool, or Waste of Cotton, imported from any British Possession - - - - the cwt.	0	0	4

TABLE OF NEW DUTIES OUTWARDS, 1828.

	£	s.	d.
Wool, *viz.*			
——— of Sheep or Lambs, and of Hares and of Conies, the cwt.	0	1	0
Woollen Manufactures, *viz.*			
——— Woolfels, Mortlings, Shortlings, Yarn, Worsted, Woolflocks, Cruels, Coverlids, Waddings, or other Manufactures or pretended Manufactures, slightly wrought up or put together, so as the same may be reduced to and made use of as Wool again, Mattrasses or Beds stuffed with Combed Wool, or Wool fit for combing or carding - - the cwt.	0	1	0

For further continuing the Duties on the Importation of Silk and Silk Goods.

XI. And be it further enacted, That the several Duties now payable upon the Importation of Silk and Silk Manufactures, which by an Act passed in the Seventh Year of His Majesty's Reign, intituled *An Act to regulate the Importation of Silk Goods until the Tenth Day of* October *One thousand eight hundred and twenty-eight, and to encourage the Silk Manufactures by the Repeal of certain Duties*, are to be payable until the Tenth Day of *October* One thousand eight hundred and twenty-eight, shall be further continued until the End of the next Session of Parliament.

Duty on Cordage and Sail Cloth in use repealed.

XII. And be it further enacted, That so much of the said Act for granting Duties of Customs, as extends to charge any Duty of Importation upon Cables, not being Iron Cables, or upon Cordage, or upon Sails respectively, in use of any *British* Ship, being fit and necessary for such Ship, and in the actual Use of the same, and not otherwise disposed of, shall be and so much of the said Act is hereby repealed; and that whenever such Cables, Cordage, or Sails shall be otherwise disposed of, then, in lieu of the Duty now payable on the same respectively, there shall be paid a Duty of Twenty Pounds upon every One hundred Pounds of the Value thereof.

Honduras Mahogany warehoused

XIII. And be it further enacted, That if any Mahogany which had been imported direct from the Bay of *Honduras*, in a Ship cleared out

Duties.
in Possessions in America.

out from the Port of *Belize*, into a free warehousing Port in any of the *British* Possessions in *America*, and there warehoused as having been so cleared and imported, shall be exported from the Warehouse, and imported direct into the United Kingdom, such Mahogany shall be subject in the United Kingdom to the same Duty as it would have been subject to if it had been imported direct from the Bay of *Honduras* in a *British* Ship cleared out from the Port of *Belize*, provided it be stated in the proper Clearance of the Ship importing the same into the United Kingdom, that such Mahogany had been so warehoused, and exported from the Warehouse as aforesaid.

Warehousing.
Silks, Linens, &c. to be delivered out of Warehouse, to be cleaned, &c. or bleached; also Rice of the East Indies, to be cleaned.

XIV. And whereas one other of the said first-mentioned Acts was passed for the Warehousing of Goods; and it is expedient to amend the said Act; be it therefore enacted, That it shall be lawful for the Commissioners of the Customs to permit any Stuffs or Fabrics of Silk, Linen, Cotton, or Wool, or of any Mixture of them or of any of them with any other Material, to be taken out of Warehouse to be cleaned, refreshed, dyed, stained, or calendered, or to be bleached or printed, without Payment of Duty of Customs, under Security, nevertheless, by Bond to their Satisfaction, that such Goods shall be returned to the Warehouse within the Time that they shall appoint; and that it shall be lawful for the said Commissioners, in like Manner and under like Security, to permit any Rice, the Produce of Places within the Limits of the *East India* Company's Charter, to be delivered out of Warehouse to be cleaned, making such Allowance for Waste as to the said Commissioners shall appear to be reasonable.

Corn, &c. to be warehoused under the General Warehousing Acts.

XV. And be it further enacted, That all Corn, Grain, Meal, or Flour, or other ground Corn, may be imported into the United Kingdom to be warehoused under the Regulations of the said last-mentioned Act, or of any Act in force for the Time being made for the Warehousing of Goods, without Payment of Duty at the Time of the First Entry thereof, or notwithstanding that such Goods may be prohibited to be imported for Home Use; any thing in any Act in force in any Part of the United Kingdom to the contrary notwithstanding.

Bounties.
Bounties on Linen and Sail Cloth, when to cease.

XVI. And whereas one other of the said first-mentioned Acts was passed to grant certain Bounties and Allowances of Customs; and it is expedient to amend the said Act: And whereas the several Bounties granted by the said Act on the Exportation of Linen from the United Kingdom are to be reduced from Year to Year by equal Tenth Parts, until the whole shall expire, and which will happen on the Fifth Day of *January* One thousand eight hundred and thirty-four: And whereas Five such Tenth Parts will have ceased on the Fifth Day of *January* One thousand eight hundred and twenty-nine; and it is expedient to suspend for a limited Time the further Reduction of the said Bounties, and fix on an earlier Time when the whole shall expire; and it is also expedient to reduce and to discontinue in like Manner the Bounty payable under the said Act on the Exportation of Sail Cloth; be it therefore enacted, That the Proportions of the several Bounties on Linen which will be payable under the said Act on the Fifth Day of *January* One thousand eight hundred and

twenty-nine shall continue payable, without further Reduction, until the Fifth Day of *January* One thousand eight hundred and thirty-two, and on the said Fifth Day of *January* One thousand eight hundred and thirty-two the whole of such Bounties shall cease, and no Part thereof shall thenceforth be payable; and that on the said Fifth Day of *January* One thousand eight hundred and twenty-nine One Half of the Bounty now payable on the Exportation of Sail Cloth shall cease, and that on the said Fifth Day of *January* One thousand eight hundred and thirty-two the whole of the said Bounty shall cease. *Bounties.*

XVII. And whereas by the said last-mentioned Act certain Drawbacks are granted on Deals and Timber used as therein mentioned, and Regulations are therein made for the issuing of Debentures to the Parties respectively Once only for each Year, and it is expedient to permit more frequent Payment of such Drawback to be made; be it therefore enacted, That under the like Regulations it shall be lawful for the Officers of the Customs to issue such Debentures Twice for every Year, (that is to say,) Once after the Fifth Day of *July*, and Once after the Fifth Day of *January*: Provided always, that no Debenture for any such Drawback shall be paid after the Expiration of Three Years from the Day on which the Duty on any of the Deals or Timber mentioned in such Debentures had been paid: Provided also, that the same Amount of Drawback, and no other, shall be allowed in respect of such Deals and Timber when the same had been imported in a Foreign Ship, as is granted by the said Act in respect of such Deals and Timber when the same had been imported in a *British* Ship. Drawback on Timber used in Mines.

XVIII. And whereas by the last-mentioned Act a Bounty is allowed on the Exportation of Double Refined Sugar, and it is expedient that the said Bounty should be allowed upon all Sugar equal in Quality to Double Refined Sugar; be it therefore enacted, That there shall be provided by and at the Expence of the Committee of Sugar Refiners in *London*, and in like Manner by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves of Double Refined Sugar prepared in Manner herein-after directed as the Commissioners of Customs shall think necessary; which Loaves, when approved of by the said Commissioners, shall be deemed and taken to be Standard Samples, one of which Loaves shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, entered for Exportation for the Bounty; and fresh Standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf of Sugar shall be deemed to be a proper Sample Loaf of Double Refined Sugar as aforesaid, if it be of greater Weight than Fourteen Pounds, nor unless it be a Loaf complete and whole, nor unless the same shall have been made by a distinct Second Process of Refinement from a Quantity of Single Refined Sugar, every Part of which had first been perfectly clarified and duly refined, and had been made into Loaves or Lumps which were Committee of Sugar Refiners to provide Sample Loaves of Double Refined Sugar.

Bounties.

of a uniform Whiteness throughout, and had been thoroughly dried in the Stove.

Sugar equal in Quality to Double Refined Sugar, like Bounty to be paid for same.

XIX. And be it further enacted, That in respect of Refined Sugar which is equal in Quality to Double Refined Sugar, the like Bounty shall be paid as is granted by the said last-mentioned Act in respect of Double Refined Sugar: Provided always, that no Sugar shall be entitled to Bounty as Double Refined Sugar, or as Sugar equal in Quality to Double Refined Sugar, unless it be in Loaves complete and whole, not weighing more than Fourteen Pounds each Loaf, nor unless it corresponds with or be equal in Quality to the Samples Loaves aforesaid.

Sugar entered not equal to the Standard shall be forfeited.

XX. And be it further enacted, That in case any Sugar which shall be entered in order to obtain the Bounty on Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, shall, on Examination by the proper Officer or Officers, be found to be of a Quality not equal to such Standard Sample, all Sugar so entered shall be forfeited and may be seized.

Bounties on Sugar to be granted, whether of British Plantations or not.

XXI. And be it further enacted, That the several Bounties on Refined Sugar granted by the said last-mentioned Act shall be granted equally in respect of all Refined Sugar, without regard to whether the same be made of Sugar the Produce of the *British* Plantations or of the *East Indies*, or of Sugar the Produce of any other Place; any thing in the said Act to the contrary notwithstanding.

Possessions.

Entry of Goods in Colonies for Exportation as British Plantation or as Foreign.

XXII. And whereas one other of the said first-mentioned Acts was passed to regulate the Trade of the *British* Possessions Abroad, and it is expedient to amend the said Act; be it therefore enacted, That upon the Entry Outwards of any Goods in any of the *British* Possessions in *America*, to be exported to any other of such Possessions or to the United Kingdom, it shall be stated in such Entry either that such Goods are the Produce of the *British* Possessions in *America*, or that they are of Foreign Production, as the Case may be; and if any Goods not being the Produce of any of the *British* Possessions in *America* be stated in such Entry to be such Produce, the same shall be forfeited; and that no Goods shall be stated in the Certificate of the Clearance of any Ship from any *British* Possession in *America* to be the Produce of such Possessions, unless such Goods shall have been expressly stated so to be in the Entry Outwards; and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of the *British* Possessions in *America* shall, at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

Certain Goods imported into Colonies from Warehouse in the United Kingdom, to be Duty-free.

XXIII. And be it further enacted, That the several Sorts of Goods herein-after enumerated, having been warehoused in the United Kingdom, (that is to say,) Corn, Grain, Seeds, Meal, Flour, Bread, Biscuit, Rice, Fruits, Pickles, Woods of all Sorts, Hemp, Flax, Tow, Oakum, Pitch, Tar, Rosin, Turpentine, Ochres, Brimstone, Saltpetre, Gums, Drugs, Vegetable Oils, Burr Stones, Dog Stones, Hops, Cork, Sago, Tapioca, Spunge, Sausages, Cheese, Cider, Wax, Spices, Tallow, being

being imported into any of the *British* Possessions in *America* direct from the Warehouse in the United Kingdom, shall be so imported Duty-free; and that Horses, Mules, Asses, Neat Cattle, and all other Live Stock, shall be imported or brought into the said Possessions Duty-free; and that Tallow and Raw Hides brought by Land or by Inland Navigation into any of the said Possessions, shall be so brought Duty-free. *Possessions.*

XXIV. And be it further enacted, That upon the Entry of any Wheat to be warehoused in any Warehousing Port in the *British* Possessions in *America*, it shall be lawful for the Officers of the Customs, instead of requiring that such Wheat shall be forthwith lodged in the Warehouse, to deliver the same to the Importer or Proprietor thereof to be first ground into Flour, and also to deliver any warehoused Wheat to be ground into Flour, under Condition, by Bond to the Satisfaction of the said Officers, that within Three Months from the Date of the Bond there shall be lodged in the Warehouse One Barrel of good and merchantable Flour in return for every Five Bushels of Wheat so delivered; and such Flour so warehoused shall be held to be Flour imported and warehoused under the Conditions and Regulations of the said last-mentioned Act. Wheat in Colonies delivered to be ground.

XXV. And be it further enacted, That so much of the said last-mentioned Act as restricts the Importation of Wine, except in certain Quantities, into the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall be and the same is hereby repealed. Importation of Wine into Guernsey, &c.

XXVI. And be it enacted and declared, That nothing contained in an Act passed in the Seventh Year of His Majesty's Reign, intituled *An Act to alter and amend the several Laws relating to the Customs*, did or doth repeal, or shall be construed to have repealed, so much of an Act passed in the Third Year of His Majesty's Reign, intituled *An Act to regulate the Trade of the Provinces of* Lower *and* Upper Canada, *and for other Purposes relating to the said Provinces*, as relates to the Appointment of Arbitrators to determine the Claims of the Province of *Upper Canada* upon the Province of *Lower Canada*, or as relates to the Powers and Duties of such Arbitrators, or to any Award to be made by them, or to the Payment of any Sum by them awarded, or to the Payment of Duties made payable under any Act or Acts of the Province of *Lower Canada* on the Importation of any Goods, Wares, or Commodities into the said Province. Nothing in 7 G. 4. c. 48. shall be construed to repeal so much of 3 G. 4. c. 119. as relates to Arbitrators.

XXVII. And whereas one other of the said first-mentioned Acts was passed for Regulation the Trade of the *Isle of Man*, and it is expedient to amend the said Act; be it therefore enacted, That no Spirits or Strong Waters shall be imported into the *Isle of Man*, other than such and so much as may and shall be imported with the Licence of the Commissioners of Customs under the Provisions of the said Act; and that this Prohibition shall be obeyed and enforced in like Manner as if the same were set forth in a certain Schedule contained in the said Act, and denominated "Schedule of Prohibitions:" Provided always, that it shall be lawful for the said Commissioners to grant Leave from Time to Time for the Importation *Isle of Man.* Spirits imported into the Isle of Man.

Isle of Man.

ation into the said Island in reasonable Quantities of perfumed or medicinal Spirits.

Certificate for Goods the Produce of the Isle of Man.

XXVIII. And be it further enacted, That before any Goods shall be shipped in the *Isle of Man* for Exportation to the United Kingdom, as being the Produce or Manufacture of that Island, Proof shall be made by the written Affidavit of some competent Person, to the Satisfaction of the Collector and Comptroller of the Customs at the Port of Shipment, that such Goods, describing and identifying the same, are the Produce or the Manufacture, as the Case may be, of the said Island, and in such Affidavit shall be stated the Name of the Person by whom such Goods are intended to be entered and shipped, and such Person at the Time of Entry (not being more than One Month after the Date of such Affidavit,) shall make Oath before such Collector or Comptroller, that the Goods to be shipped in virtue of the Entry are the same as are mentioned in such Affidavit; and thereupon the Collector and Comptroller shall, on Demand, give to the Master of the Ship in which the Goods are to be exported a Certificate of such Proof of Produce or of Manufacture having been made in respect of such Goods, describing the same, and setting forth the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and such Certificate shall be received at the Port of Importation in the United Kingdom, instead of the Certificate of the Governor, Lieutenant Governor, or Commander in Chief of the said Island, required by one of the said first-mentioned Acts, intituled *An Act for the general Regulation of the Customs.*

Passengers.

Tonnage of Steam Vessels carrying Passengers to and from Ireland.

XXIX. And whereas Steam Vessels according to their Register Tonnage afford greater Accommodation for Passengers than Sailing Vessels; be it therefore enacted, That for the Purposes of an Act passed in the Fourth Year of His Majesty's Reign, intituled *An Act for regulating Vessels carrying Passengers between* Great Britain *and* Ireland, every Steam Vessel which is of the Register Tonnage of One hundred and forty Tons or upwards shall be deemed to be a Vessel of Two hundred Tons at least.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXVII.

An Act to amend the Acts for regulating Turnpike Roads. [25th *July* 1828.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: And whereas the said Acts require to be further amended, and some Enactments thereof to be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act of the Fourth Year of the Reign of His present Majesty as enacts that all and every Book and Books containing the Accounts and Proceedings of the Trustees and Commissioners for executing any Act for making or maintaining any Turnpike Road, or containing any Orders or Agreements made or entered into by them, such Book or Books being kept and

3 G. 4. c. 126.

4 G. 4. c. 95.

7&8 G. 4. c. 24.

So much of recited Act of 4 G. 4. as enacts that Book of Accounts and Proceedings shall be re-

ceived as Evidence repealed.

and signed in manner therein mentioned, should and might be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits and Actions whatsoever, shall be and the same is hereby repealed.

Books of Accounts and Proceedings to be received in Evidence, without proving their Contents, notwithstanding the Act under which they have been kept is repealed; and to be open to Inspection.

II. And be it further enacted, That all Books kept for registering Mortgages or Assignments, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees in the Execution of any local Turnpike Act, kept according to the Directions and Provisions of any such Act, or of the said recited Act of the Third Year of the Reign of His present Majesty or of this Act, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others, without proving the Facts therein contained, unless such Facts, or any of them, shall be first controverted, notwithstanding any former Act, under the Provisions of which such Books may have been originally kept, may be repealed; and all such Books shall be preserved and kept by the Clerk for the Time being of such Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and of any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the Clerk to the said Trustees shall refuse to permit, or shall not permit, the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for every such Offence.

Restriction of 3 G. 4. c. 126. s. 45. as to the Erection of Toll Gates repealed.

III. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as directs that no Toll Gate shall be erected on the Side of any Turnpike Road, unless the same be ordered by the Trustees or Commissioners at a Public Meeting, in manner therein mentioned, shall be and the same is hereby repealed.

So much of 7&8G.4.c.24. as directs Trustees to remove Toll Gates, repealed.

IV. And be it further enacted, That so much of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty as directs that it shall be lawful for the Trustees of any Turnpike Road to order and direct any Turnpikes, Toll Gates, or Side Bars to be removed, as therein directed, shall be and the same is hereby repealed.

Power to continue or erect Toll Gates.

V. And be it further enacted, That it shall be lawful for the Trustees of any Turnpike Road, and they are hereby authorized and empowered, to continue all and every or any of the Toll Gates or Toll Houses now standing or being in, upon, or across any such Turnpike Road, or on the Sides thereof, and from Time to Time at any Special Meeting to be holden for that Purpose, of which Meeting Public Notice, specifying the Time and Place and the Purpose thereof, shall have been given in some Newspaper published or circulated in the County or Counties through which any such Turnpike Road passes, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, or Side Bars (if any) which shall be then

standing on such Road, Fourteen Days previously to such Meeting, to order and direct, by some Order in Writing, to be signed by Three at least of the Trustees present at such Meeting, that there be erected and built, in, upon, or across any such Turnpike Road or any Part thereof, or upon the Sides thereof or any Part thereof, when and where they shall judge necessary, such and so many Toll Gates, Turnpikes, Side Bars, and Chains, with Toll Houses, Outhouses, and other Conveniences thereto, and also to take in and inclose on the Sides of such Road, or any Part thereof, suitable Garden Spots for each of such Toll Houses, not exceeding One Eighth of a Statute Acre to each Toll House, as the said Trustees shall direct or appoint; and also shall and may from Time to Time at any such Meeting, or at any other Meeting to be called as aforesaid, and by such Order as aforesaid, from Time to Time order and direct any of such Toll Gates, Turnpikes, Side Bars, and Chains to be taken down or discontinued, or to be removed and placed elsewhere, upon, across, or on the Sides of such Road, in such Situations as to them the said Trustees may appear fit or eligible: Provided that nothing in this Act contained shall authorize any Toll Gate, Turnpike, Side Bar, or Chain to be erected or built in any Place or Places where it is or may be provided by any local Turnpike Act there shall be no Turnpike, Toll Gate, Side Bar, or Chain erected, built, or placed.

So much of 3 G. 4. c. 126. as relates to the Recovery of Money, repealed.

VI. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as directs the Payment and Recovery of any Sum or Sums of Money to be subscribed or agreed to be advanced for the making or maintaining of any Turnpike Road, shall be and the same is hereby repealed.

Recovery of Subscriptions.

VII. And be it further enacted, That the several and respective Persons who shall subscribe for or agree to advance any Money for or towards the making or maintaining any Turnpike Road or Roads, or Highway intended to be made Turnpike, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time or Times, and in such Parts and Proportions, as shall be expressed in the Writing which shall be subscribed by them or on their Behalf, or as the Trustees of any such Turnpike Road shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees or of their Treasurer or Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as in the Act for making or maintaining any such Turnpike Road or Roads shall be mentioned.

VIII. And

So much of 3 G. 4. c. 126. as authorizes the shortening of Roads, repealed.

VIII. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as authorizes the Trustees of any Turnpike Road to make, divert, shorten, vary, alter, and improve any such Road, shall be and the same is hereby repealed.

Trustees may shorten, vary, and alter Roads.

IX. And be it further enacted, That it shall be lawful for the Trustees of any Turnpike Road, and they are hereby authorized and empowered, (subject to the Restrictions in the said recited Acts and this Act contained,) to make, divert, shorten, vary, alter, and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof; and to divert, shorten, vary, alter, and improve the Course or Path of any of the said several and respective Roads, or any Part or Parts thereof, upon, in, through, or over any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby; and also upon, in, over, or through any Common or Waste Lands, without making any Satisfaction for such Common or Waste Lands, in such Manner as they shall think proper; so that any such Road shall not exceed Sixty Feet in Width, together with such Footpath, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences on the Line of such Road, as they shall think necessary or expedient; and it shall also be lawful for such Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carts or Carriages, from Time to Time to enter upon the Lands and Grounds or Hereditaments through which or whereupon such Road, Footpath, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, to stake out the same in such Manner as such Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of the Act, for making or maintaining any such Turnpike Road; and if any Person shall pull up, remove, or destroy any Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Mortgages under former Acts to remain good.

X. And be it further enacted, That where, at the Time of the Expiration or Repeal of any Act for making and maintaining any Turnpike Road, any Monies which may have been borrowed, subscribed, or advanced under the Provisions of such Act shall be due and owing on the Credit of the Tolls thereby granted, the Term and Tolls to be granted by all and every subsequent Act and Acts for maintaining such Turnpike Road shall be and the same are hereby made subject and liable to the Payment of the Monies which shall so remain due and owing on the Credit of such Tolls, and of all Interest to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due on the Credit or Security of the Tolls to be granted by such subsequent Act or Acts; and all and every Person and Persons who may

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owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying any such former Act into Execution, shall be liable to the Payment thereof to the Trustees for executing any such subsequent Act or Acts, and such Monies shall be applied by them for the Purposes of such subsequent Act or Acts.

Bonds, Contracts, &c. to remain in full Force, notwithstanding the Repeal of any Act.

XI. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts and Securities, made or entered into by any Person or Persons to or with the Trustees for carrying any local Turnpike Act into Execution, or by any other Person or Persons on behalf of the said Trustees, according to the Provisions of any such Act, shall remain in full Force and Effect, notwithstanding the Expiration or Repeal of such Act, and shall be and continue available in all Courts, and before all Judges and Justices having Jurisdiction, as the Case may require, until the same are fully satisfied and performed, on Account and for the Benefit of the Trust to be created by any subsequent Act for maintaining the same Turnpike Road, or any Part thereof.

Trustees may cancel Mortgages under former Acts, and execute others.

XII. And be it further enacted, That the Trustees appointed by virtue of any local Turnpike Act may receive in and cancel all or any of the Mortgages granted under the Trusts of any former Act for the same Turnpike Road, or any Part thereof, and instead and in lieu thereof give and execute another Mortgage or other Mortgages, at the Expence of the Parties requiring the same.

Trustees may renew Mortgages, &c. lost or mislaid.

XIII. And be it further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the Trustees of any Turnpike Road, or by any satisfactory Evidence adduced at any Meeting of such Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by any local Turnpike Act to be taken, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by any such local Turnpike Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment to be executed shall be valid and effectual for the Purposes thereby intended.

Persons employed under former Acts to deliver up Books, &c.

XIV. And be it further enacted, That all Persons who may be or shall have been employed, or who shall have received any Tolls or other Money on account of or for the Purposes of any Act for making or maintaining any Turnpike Road which may have expired or been repealed, or who may have or shall have had in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to any such Turnpike Road, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees for executing any subsequent Act for maintaining such Turnpike Road, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present

Majesty, and of any local Turnpike Act, are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty required to pay or account for the same.

Officers to hold their Offices after any Act is repealed, unless removed by Trustees.

XV. And be it further enacted, That the Treasurer, if appointed consistently with the Provisions of the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer, appointed under or employed in the Execution of any Act for making or maintaining any Turnpike Road, which may have expired or been repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Trustees for executing any subsequent Act for maintaining the same Turnpike Road; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Powers and Authorities for the Purpose of any such subsequent Act, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed under or by virtue of such subsequent Act.

Tolls to be collected.

XVI. And be it further enacted, That it shall and may be lawful for the Trustees of any Turnpike Road, or any Person appointed or continued to be appointed Collector of the Tolls to be taken by virtue of any local Turnpike Act, to demand and take every Day, (such Day, for the Purposes of all local Turnpike Acts, being computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night,) the several and respective Tolls to be mentioned in any such Act, at the several and respective Toll Gates and Turnpikes, or Side Bars and Chains, which are or shall be continued or erected by virtue of this Act, or of any local Turnpike Act, in, upon, across, or on the Sides of any Turnpike Road, or any Part or Parts thereof; and which Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horses, Cattle, or Carriage whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Bar or Chain; and the Tolls or Sums of Money to be levied and collected by virtue of any local Turnpike Act shall be and the same are hereby vested in the Trustees of such Act for the Purposes thereof, in manner to be thereby directed.

Penalty for claiming Exemptions not being entitled thereto.

XVII. And be it further enacted, That if any Person or Persons shall claim or take the Benefit of any of the Exemptions mentioned in any local Turnpike Act, not being entitled to the same, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Actions to be brought within Six Months.

XVIII. And be it further enacted, That no Person or Persons shall or may be convicted of any Offence or Offences contrary to the Provisions of this Act, or of the said recited Acts, or of any local Turnpike Act, in a summary Way, before any Justice or Justices of the Peace, after the Expiration of Six Months from the

Time when any such Offence or Offences shall or may have been committed.

Power of former Acts extended to this Act.

XIX. And be it further enacted, That all the Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things contained in the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, (save and except such Parts thereof respectively as are varied, altered, or repealed,) shall extend and be construed to extend to this Act; and all the Powers, Authorities, Clauses, Penalties, Forfeitures, Matters, and Things contained in the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, (except such Parts thereof respectively as are varied, altered, or repealed,) and all the Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things contained in this Act, shall extend and be construed to extend to every local Turnpike Act, and shall be applied and put in execution as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of such local Turnpike Act, and were made Part thereof; and that the said recited Acts and this Act shall not be recited in any such local Turnpike Act, save and except as to such Powers, Authorities, Clauses, Provisions, Penalties, Matters, and Things as shall be expressly referred to for the Purpose of being varied, altered, or repealed by any such local Turnpike Act.

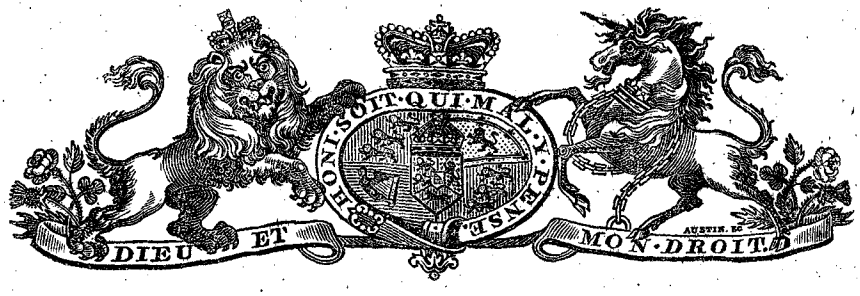
Powers of this Act to extend to all local Turnpike Acts.

Acts not to be recited unless for the Purpose of being altered.

This Act not to extend to the Commercial Road, (9 G. 4. c. cxii.) or the Road from Glasgow to Carlisle, (56 G. 3. c. lxxxiii. &c.)

XX. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend, or be construed, adjudged, deemed, or taken to extend, to the Turnpike Road called the *Commercial Road*, or the several Branches leading from and out of the same, authorized to be made, repaired, and maintained under and by virtue of an Act passed in this Session of Parliament, intituled *An Act for more effectually repairing and improving the several Roads called the* Cannon Street *Roads, the* Commercial *Road, the* Horseferry *Branch of Road, the* East India Dock *Road, the* Barking *Road, and the* Shadwell *and* Mile End *Branch of Road, in the Counties of* Middlesex *and* Essex; *and for laying down a Stoneway on the said* Commercial, East India Dock, *and* Barking *Roads*; or to affect, encroach upon, vary, alter, or interfere with any of the Tolls, Weights, or Duties created by virtue of such Act, or any of the Powers and Authorities given to or vested in the Trustees acting under or by virtue of such Act; nor shall extend, or be deemed, construed, or taken to extend, to an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act for improving the Road from the City of* Glasgow *to the City of* Carlisle, or to Three several Acts amending the same, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty, and in the First and Second Years of the Reign of His present Majesty.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXVIII.

An Act for extending the Acts passed in the Forty-third and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, for the Sale and Mortgage of Estates of Persons found Lunatics by Inquisition taken in *England* and *Ireland*, so as to authorize such Sale and Mortgage for some Purposes; and for rendering Inquisitions on Commissions of Lunacy taken in *England* available in *Ireland*, and like Inquisitions taken in *Ireland* available in *England*.

[25th *July* 1828.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, to authorize the Sale, Mortgage, Charge, or Incumbrance of the Estates of Persons found lunatic by Inquisition in *England* or *Ireland* respectively; and the said Act was extended by an Act passed in the Fifty-ninth Year of the same Reign: And whereas it is desirable that the Powers of Sale, Mortgage, Charge, and Incumbrance of the Estates of Persons found lunatic or of unsound Mind, and incapable of managing their Affairs, which were given by the

said Acts, should not be confined to the Objects expressed in the first of the said Acts; but that, for the Purpose of providing a Fund by means of which better Provision may be made for such Persons, or their Estates may be improved, or other beneficial Objects may be effected, more extended Powers of Sale and Mortgage of such Estates should be given: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

So much of recited Acts as authorize the Sale, Mortgage, or other Disposition of Estates of Lunatics in certain Cases, extended to authorize Sales, &c. for any Purpose which the Lord Chancellor, &c. shall direct.

That such of the Powers and Provisions contained in the said recited Acts as authorize the Sale, Mortgage, Charge, Incumbrance, or other Disposition of Estates belonging to Persons found and to be found lunatic or of unsound Mind, and incapable of managing their Affairs, and the doing and executing all such Acts, Deeds, Surrenders, and Assurances for effectuating any such Sale, Mortgage, Charge, Incumbrance, or other Disposition, may extend to the Sale, Mortgage, Charge, Incumbrance, or other Disposition of such Estates, for the Purposes of raising Money for Payment of the Debts and Engagements of such Lunatics, the Discharge of any Incumbrances on their Estates, the Costs of applying for and obtaining the Commission of Lunacy, and in opposition thereto, and all Proceedings under the same Commission, or incurred by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain* and of *Ireland* respectively, being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic or of unsound Mind, and incapable of managing their Affairs, and the Costs of such Sales, Mortgages, Charges, and Incumbrances, and other Dispositions, or for any of such Purposes as such Lord Chancellor, Lord Keeper, or Lords Commissioners shall respectively direct; and that the Monies arising from any such Sale, Mortgage, Charge, Incumbrance, or other Disposition may be paid, laid out, and applied in Payment of the Debts and Engagements of such Lunatics, the Discharge of any Incumbrances on their Estates, the Costs of applying for and obtaining the Commission of Lunacy, and in opposition thereto, and all Proceedings under the same Commission, or incurred by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lord Commissioners, and the Costs of such Sales, Mortgages, Charges, and Incumbrances, and other Dispositions, in such Manner as the said Lord Chancellor, Lord Keeper, or Lords Commissioners, intrusted as aforesaid, shall direct.

The Person whose Estate is so sold shall have the like Interest in the Money raised by such Sale as he would have had in the Estate sold.

II. Provided always, and be it enacted, That on any Sale, Mortgage, Charge, Incumbrance, or other Disposition which shall be made in pursuance of this Act, the Person whose Estate shall be so sold, mortgaged, charged, incumbered, or otherwise disposed of, and his or her Heirs, next of Kin, Devisees, Legatees, Executors, Administrators, or Assigns, shall have such and the like Interest in the Money raised by such Sale, Mortgage, Charge, Incumbrance, or other Disposition, and which shall not be wholly applied and exhausted for the Purposes aforesaid, or otherwise, in pursuance of this Act, as he, she, or they would have had in the Estate by the Sale,

Mortgage, Charge, Incumbrance, or other Disposition of which such Money shall be raised, if no such Sale, Mortgage, Charge, Incumbrance, or other Disposition had been made, and such Money shall be of the same Nature and Character as the Estate so sold, mortgaged, charged, incumbered, or disposed of; and it shall be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, being intrusted as aforesaid, to make such Orders, and to direct such Acts and Deeds to be done and executed, as shall be necessary for carrying the aforesaid Objects into Effect, and for the due Application of such surplus Monies.

Lord Chancellor, &c. to make the necessary Orders.

III. And whereas it is desirable that in some Cases Inquisitions taken in *England* on a Commission in the Nature of a Writ De lunatico inquirendo, and Writs of Supersedeas of any such Commission, should be acted upon in *Ireland* in the same Manner as the same may be acted upon in *England*, and for that Purpose should be placed on Record in *Ireland*; and that Inquisitions on a like Commission executed in *Ireland*, and Writs of Supersedeas of any such Commission, should be acted on in *England*, and for that Purpose should be placed on Record there; be it therefore enacted, That in all Cases where any Person has been or shall be found lunatic or of unsound Mind, and incapable of managing his or her Affairs, by any Inquisition on a Commission in the Nature of a Writ De lunatico inquirendo under the Great Seal of *Great Britain*, it shall be lawful for the proper Officer, by Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, intrusted as aforesaid, to transmit a Transcript of the Record of such Inquisition to the Chancery of *Ireland*, and such Transcript shall thereupon be entered of Record, and be as of Record there; and in case a Writ of Supersedeas of any such Commission shall issue, the Issue of such Writ shall be certified and transmitted and recorded in like Manner; and the Copies of the Record of any such Inquisition or Supersedeas, so transmitted and entered as of Record in the Chancery of *Ireland*, shall, if the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland*, intrusted as aforesaid, shall see fit, and so long only as he or they shall so see fit, be acted upon by him or them respectively, and be of the same Force and Validity, and have the same Effect, to all Intents and Purposes, in *Ireland*, as if such Inquisition had been taken on a Commission under the Great Seal of *Ireland*, and such Writ of Supersedeas had been issued under the Great Seal of *Ireland*; and that in all Cases where any Person has been or shall be found lunatic or of unsound Mind, and incapable of managing his or her Affairs, by any Inquisition on a Commission in the Nature of a Writ De lunatico inquirendo under the Great Seal of *Ireland*, it shall be lawful for the proper Officer, by Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland*, intrusted as aforesaid, to transmit a Transcript thereof in like Manner to the Chancery of *England*, and such Transcript shall thereupon be entered as of Record there; and in case a Writ of Supersedeas of any such Commission shall issue, a Transcript thereof shall be certified and transmitted to the Chancery of *England*, and recorded in like Manner;

Inquisitions on Commissions under the Great Seal of Great Britain, and Writs of Supersedeas thereon, to be transmitted and entered of Record in Ireland, and acted on there; and vice versâ.

Manner; and such Entry of Record of any such Inquisition or Supersedeas shall, if the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, intrusted as aforesaid, shall see fit, and so long only as he or they shall so see fit, be acted upon by him or them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Inquisition had been taken on a Commission under the Great Seal of *Great Britain*, and such Writ of Supersedeas had been issued under the Great Seal of *Great Britain*.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXIX.

An Act to repeal an Act passed in the Third Year of His present Majesty, for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, by vesting an equal Annuity in Trustees for the Payment thereof. [25th *July* 1828.]

WHEREAS an Act was passed in the Third Year of His present Majesty's Reign, intituled *An Act for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, by vesting an equal Annuity in Trustees for the Payment thereof:* And whereas it is expedient that the said Act should be repealed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of *July* One thousand eight hundred and twenty-eight, the said Act shall be and the same is hereby repealed. 3 G. 4. c. 51. Recited Act repealed.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any Clause, Matter, or Thing contained in an Act made in the Fourth Year of His present Majesty's Reign, intituled *An Act to confirm an* Act not to affect 4 G. 4. c. 22.

Agreement entered into by the Trustees under an Act of the last Session of Parliament, for apportioning the Burthen occasioned by the Military and Naval Pensions and Civil Superannuations, with the Governor and Company of the Bank of England; any thing herein-before contained to the contrary notwithstanding.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXX.

An Act to enable Bankers in *Ireland* to issue certain unstamped Promissory Notes, upon Payment of a Composition in lieu of the Stamp Duties thereon. [25th *July* 1828.]

WHEREAS it is expedient to permit all Persons carrying on the Business of Bankers in *Ireland* to issue their Promissory Notes payable to Bearer on Demand on unstamped Paper, upon Payment of a Composition in lieu of the Stamp Duties which would otherwise be payable upon such Notes, and subject to the Regulations herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and twenty-eight, it shall be lawful for any Person or Persons carrying on the Business of a Banker or Bankers in *Ireland*, who shall have duly registered the Firm of his or their House according to Law, and who shall have obtained a Licence and given Security by Bond in manner herein-after mentioned, to make and issue on unstamped Paper his or their Promissory Notes, for Payment to the Bearer on Demand of any Sum of Money not exceeding the Sum of One hundred Pounds.

Bankers in Ireland may issue certain Promissory Notes on unstamped Paper.

The Commissioners of Stamps or their Officers may grant Licences to issue unstamped Promissory Notes.

II. And be it further enacted, That it shall be lawful for any Two or more of the Commissioners of Stamps, or any Officer of Stamps duly authorized by the said Commissioners in that Behalf, to grant Licences to all Persons carrying on the Business of Bankers in *Ireland* who shall have duly registered the Firm of their House according to Law, and who shall require such Licences authorizing such Persons to issue such Promissory Notes as aforesaid on unstamped Paper; which said Licences shall be and are hereby respectively charged with a Stamp Duty of Thirty Pounds for every such Licence.

Bankers to take out a separate Licence for every Place where unstamped Notes shall be issued, but not to take out more than Four Licences for any Number of such Places.

III. And be it further enacted, That a separate Licence shall be taken out in respect of every Town or Place where any such unstamped Promissory Notes as aforesaid shall be issued: Provided always, that no Person or Persons shall be obliged to take out more than Four Licences in all for any Number of Towns or Places in *Ireland*; and in case any Person or Persons shall issue such unstamped Notes as aforesaid at more than Four different Towns or Places, then after taking out Three distinct Licences for Three of such Towns or Places, such Person or Persons shall be entitled to have all the rest of such Towns or Places included in a Fourth Licence; and that if any Person or Persons, after having taken out Four distinct Licences under the Authority of this Act, shall begin to issue such unstamped Notes as aforesaid at any other Town or Place not named in any of the said Four Licences, it shall not be necessary to include such last-mentioned Town or Place in any Licence until the Twenty-fourth Day of *March* next following the beginning to issue thereat such Notes as aforesaid.

Regulations respecting Licences.

IV. And be it further enacted, That every Licence granted under the Authority of this Act shall specify all the Particulars required by Law to be specified in the Certificates to be taken out by Persons in *Ireland* issuing Promissory Notes payable to Bearer on Demand, and allowed to be re-issued; and every such Licence which shall be granted between the Twenty-fourth Day of *March* and the Twenty-fifth Day of *April* in any Year, shall be dated on the Twenty-fifth Day of *March*; and every such Licence which shall be granted at any other Time, shall be dated on the Day on which the same shall be granted; and every such Licence shall (notwithstanding any Alteration which may take place in any Copartnership of Persons to whom the same shall be granted) have effect and continue in force from the Day of the Date thereof until the Twenty-fourth Day of *March* then next following, both inclusive, and no longer.

Commissioners of Stamps to cancel Certificates taken out for issuing Promissory Notes payable to Bearer on Demand, and to grant Licences

V. Provided always, and be it further enacted, That where any Banker or Bankers shall have taken out the Certificate required by Law for issuing Promissory Notes payable to Bearer on Demand at any Town or Place in *Ireland*, and during the Period for which such Certificate shall have been granted, shall be desirous of taking out a Licence to issue at the same Town or Place unstamped Promissory Notes under the Provisions of this Act, it shall be lawful for the Commissioners of Stamps, or their Officers, to cancel and allow as spoiled the Stamp upon such Certificate, and in lieu thereof to grant to such Banker or Bankers a Licence under the Authority of this

Act; and every such Licence shall, during its Continuance in force, also authorize the re-issuing of all Promissory Notes payable to the Bearer on Demand, which such Banker or Bankers may have previously issued on Paper duly stamped, until the Twenty-fourth Day of *March* inclusive then next following, provided such Notes may so long be lawfully re-issued.

under this Act in lieu thereof.

VI. Provided always, and be it further enacted, That if any Banker or Bankers who shall take out a Licence under the Authority of this Act shall issue, under the Authority either of this or any other Act, any unstamped Promissory Notes for Payment of Money to the Bearer on Demand, such Banker or Bankers shall, so long as he or they shall continue licensed as aforesaid, make and issue on unstamped Paper all his or their Promissory Notes for Payment of Money to the Bearer on Demand, of whatever Amount or Value (not exceeding the Sum of One hundred Pounds) such Notes may be; and it shall not be lawful for such Banker or Bankers, during the Period aforesaid, to issue, for the first Time, any such Promissory Note as aforesaid on stamped Paper.

Bankers licensed under this Act to issue all their Promissory Notes for Payment of Money to the Bearer on Demand on unstamped Paper.

VII. And be it further enacted, That before any Licence shall be granted to any Person or Persons to issue any unstamped Promissory Notes under the Authority of this Act, such Person or Persons shall give Security by Bond to His Majesty, His Heirs and Successors, with a Condition that if such Person or Persons do and shall from Time to Time enter or cause to be entered, in a Book or Books to be kept for that Purpose, an Account of all such unstamped Promissory Notes as he or they shall so as aforesaid issue, specifying the Amount or Value thereof respectively, and the several Dates of the issuing thereof, and in like Manner also a similar Account of all such Promissory Notes as, having been issued as aforesaid, shall have been cancelled, and the Dates of the cancelling thereof; and do and shall from Time to Time, when thereunto requested, produce and shew such Accounts to and permit the same to be examined and inspected by the said Commissioners of Stamps, or any Officer of Stamps appointed under the Hands and Seals of the said Commissioners for that Purpose; and also do and shall deliver to the said Commissioners of Stamps Half-yearly, (that is to say,) within Fourteen Days after the First Day of *January* and the First Day of *July* in every Year, a just and true Account in Writing, verified upon the Oaths or Affirmations (which any Justice of the Peace is hereby empowered to administer), to the best of the Knowledge and Belief of such Person or Persons, and of his or their Cashier, Accountant, or Chief Clerk, or of such of them as the said Commissioners shall require, of the Amount or Value of all unstamped Promissory Notes issued under the Provisions of this Act in Circulation, within the Meaning of this Act, on a given Day, that is to say, on *Saturday* in every Week, for the Space of Half a Year prior to the Half-yearly Day immediately preceding the Delivery of such Account, together with the Average Amount or Value of such Promissory Notes so in Circulation according to such Account; and also do and shall pay or cause to be paid to the Receiver General of Stamp Duties in *Ireland*, or to some other Person duly authorized by the Commissioners of Stamps to

Bankers issuing unstamped Notes to give Security by Bond for the due Performance of the Conditions herein contained.

to receive the same, as a Composition for the Duties which would otherwise have been payable for such Promissory Notes issued or in Circulation during such Half Year, the Sum of One Shilling and Sixpence for every One hundred Pounds, and also for the fractional Part of One hundred Pounds of the said Average Amount or Value of such Notes in Circulation, according to the true Intent and Meaning of this Act; and on due Performance thereof such Bond shall be void, but otherwise the same shall be and remain in full force and virtue.

For what Period Notes are to be deemed in Circulation.

VIII. And be it further enacted, That every unstamped Promissory Note issued under the Provisions of this Act shall, for the Purpose of Payment of Duty, be deemed to be in Circulation from the Day of the issuing to the Day of the cancelling thereof, both Days inclusive, excepting nevertheless the Period during which such Note shall be in the Hands of the Banker or Bankers who first issued the same, or by whom the same shall be expressed to be payable, or, in case of Copartnerships of more than Six Persons, which shall be in the Hands of the Public Officers of such Copartnership.

Regulations respecting the Bonds to be given pursuant to this Act.

IX. And be it further enacted, That in every Bond to be given pursuant to the Directions of this Act, the Person or Persons intending to issue any such unstamped Promissory Notes as aforesaid, or such and so many of the said Persons as the Commissioners of Stamps, or their proper Officer in that Behalf, shall require, shall be the Obligors; and every such Bond shall be taken in the Sum of One hundred Pounds, or in such larger Sums as the said Commissioners of Stamps, or such Officer as aforesaid, may judge to be the probable Amount of the Composition or Duties that will be payable from such Person or Persons under or by virtue of this Act during the Period of One Year; and it shall be lawful for the said Commissioners, or such Officer as aforesaid, to fix the Time or Times of Payment of the said Composition or Duties, and to specify the same in the Condition to every such Bond; and every such Bond may be required to be renewed from Time to Time, at the Discretion of the said Commissioners, or of such Officer as aforesaid, and as often as the same shall be forfeited, or the Parties to the same, or any of them, shall die, become bankrupt or insolvent, or reside in Parts beyond the Seas.

Fresh Bonds to be given on Alterations of Copartnerships.

X. And be it further enacted, That if any Alteration shall be made in any Copartnership of Persons who shall have given any such Security by Bond as by this Act is directed, whether such Alteration shall be caused by the Death or Retirement of One or more of the Partners of the Firm, or by the Accession of any additional or new Partner or Partners, a fresh Bond shall, within One Calendar Month after any such Alteration, be given by the remaining Partner or Partners, or the Persons composing the new Copartnership, as the Case may be, which Bond shall be taken as a Security for the Duties which may be due and owing or may become due and owing in respect of the unstamped Promissory Notes which shall have been issued by the Persons composing the old Copartnership, and which shall be in Circulation at the Time of such Alteration, as well as for Duties which shall or may be or become due or owing in respect of the

the unstamped Promissory Notes issued or to be issued by the Persons composing the new Copartnership; provided that no such fresh Bond shall be rendered necessary by any such Alteration as aforesaid in any Copartnership of Persons exceeding Six in Number, but that the Bonds to be given by such last-mentioned Copartnerships shall be taken as Securities for all the Duties they may incur so long as they shall exist, or the Persons composing the same or any of them shall carry on Business in Copartnership together, or with any other Person or Persons, notwithstanding any Alteration in such Copartnership; saving always the Power of the said Commissioners of Stamps to require a new Bond in any Case where they shall deem it necessary for better securing the Payment of the said Duties.

Penalty on Bankers refusing to renew their Bonds.

XI. And be it further enacted, That if any Person or Persons, who shall have given Security by Bond to His Majesty in the Manner herein-before directed, shall refuse or neglect, for the Space of One Calendar Month, to renew such Bond when forfeited, and as often as the same is by this Act required to be renewed, such Person or Persons so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

This Act not to exempt from Penalties any Persons issuing unstamped Notes not in Accordance herewith.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to exempt or relieve, from the Forfeitures or Penalties imposed by any Act or Acts now in force upon Persons issuing Promissory Notes not duly stamped as the Law requires, any Person or Persons who, under any Colour or Pretence whatsoever, shall issue any unstamped Promissory Note, unless such Person or Persons shall be duly licensed to issue such Promissory Note under the Provisions of this Act, and such Note shall be drawn and issued in strict Accordance with the Regulations and Restrictions herein contained.

Penalties how and by whom to be recovered.

XIII. And be it further enacted, That all pecuniary Forfeitures and Penalties which may be incurred under any of the Provisions of this Act, shall be recovered for the Use of His Majesty, His Heirs and Successors, in any of His Majesty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majesty's Attorney or Solicitor General in *Ireland*.

Not to affect the Privileges of the Bank of Ireland.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, or affect any of the Rights, Powers, or Privileges of the Governor and Company of the Bank of *Ireland*.

Commissioners of Stamps to cancel re-issuable Promissory Note Stamps rendered unnecessary, and to repay the Amount.

XV. And whereas it may happen that Bankers who may be desirous to issue unstamped Promissory Notes payable to Bearer on Demand, under the Provisions of this Act, may have provided themselves with Stamps for such Notes, which may not have been issued, and which may by this Act be rendered useless or unnecessary, and it is expedient to enable the Commissioners of Stamps and their Officers to cancel and allow such Stamps in manner herein-after mentioned; be it therefore enacted, That where any Banker or Bankers who shall take out a Licence under the Authority of this Act shall have in his

his or their Possession Stamps for re-issuable Promissory Notes payable to the Bearer on Demand, which shall be rendered useless or unnecessary in consequence of such Banker or Bankers electing to issue such Notes on unstamped Paper under the Provisions of this Act, it shall be lawful for the said Commissioners of Stamps or their Officers, and they are hereby authorized and empowered, to cancel and allow such Stamps so as aforesaid rendered useless or unnecessary, and to repay the Amount or Value thereof in Money, deducting therefrom the Sum of One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum than One hundred Pounds of such Amount or Value, provided Proof be made, by Affidavit or Affirmation, to the Satisfaction of the said Commissioners, that such Stamps have not been issued, and provided Application be made for such Allowance within Six Calendar Months next after the passing of this Act.

6 G. 4. c. 42. No Society or Copartnership of Bankers shall be obliged to take out more than Four Certificates in One Year.

XVI. And whereas by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of Copartnerships of certain Bankers in* Ireland, any Certificate granted by the Commissioners of Stamps in *Ireland*, to any Society or Copartnership of Bankers in *Ireland* exceeding Six in Number, of the Registry of the Firm and Name of such Society, is liable to the Stamp Duty payable by Law on Certificates to be taken out yearly by any Banker or Bankers in *Ireland*, that is to say, a Stamp Duty of Thirty Pounds; And whereas it is provided by the said recited Act, that a separate and distinct Certificate, with a separate and distinct Stamp, shall be granted for and in respect of every Town or Place where any such Bills or Notes as in the said Act are mentioned shall be issued by any such Society or Copartnership: And whereas it is expedient that no such Society or Copartnership should be required to take out more than Four Certificates in any One Year, although it should issue such Bills or Notes as aforesaid at more than Four Towns or Places in *Ireland*; be it therefore further enacted, That no Society or Copartnership of Bankers in *Ireland* exceeding Six in Number, and carrying on the Trade or Business of Bankers under the Authority of the said recited Act, shall be obliged to take out more than Four Certificates in any One Year of the Entry and Registry of the Firm or Name of such Society or Copartnership; and in case any such Society or Copartnership shall issue such Bills or Notes as aforesaid, by themselves or their Agents, at more than Four different Towns or Places in *Ireland*, then after taking out Three distinct Certificates for Three of such Towns or Places, such Society or Copartnership shall be entitled to have all the Remainder of such Towns or Places included in a Fourth Certificate; any thing in the said Act of the Sixth Year of the Reign of His present Majesty to the contrary notwithstanding.

Certificates to continue in force notwithstanding any fresh Registry.

XVII. And be it further enacted, That every Certificate which hath been or shall at any Time hereafter be taken out by any such last-mentioned Society or Copartnership as aforesaid, shall continue in force, for the issuing of such Bills and Notes as aforesaid at the Town or Place or the several Towns or Places therein named, until the Twenty-fifth Day of *March* next following the Date of such Certificate, notwithstanding any fresh Entry or Registry of the Name

or Firm of such Society or Copartnership; and that if any fresh Entry or Registry shall be made from any Cause whatever, after any such Society or Copartnership shall have taken out Four such distinct Certificates as aforesaid, such Society or Copartnership shall not be required to take out any further Certificate, in respect of any Town or Place not included in any of such Four Certificates, until the Twenty-fourth Day of *March* next following such fresh Entry or Registry.

XVIII. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament. Act may be altered.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXI.

An Act for making Promissory Notes payable, issued by Banks, Banking Companies, or Bankers, in *Ireland*, at the Places where they are issued.

[25th *July* 1828.]

WHEREAS divers Banks, Banking Companies, and Bankers, in *Ireland*, have made and issued Promissory Notes, without making the same payable in Coin of the Realm at the several Places respectively where such Notes have been issued or re-issued: And whereas it is expedient that in future all such Promissory Notes, and all Bank Post Bills, issued by such Banks, Banking Companies, or Bankers, should be made payable at the Places where the same shall be issued or re-issued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *April* One thousand eight hundred and twenty-nine, no Bank, Banking Company, or Banker, in *Ireland*, shall, by themselves, or by any Agent or Agents, Partner or Partners, or other Person or Persons whomsoever on their or his Behalf, or on their or his Account, make, issue, or re-issue, in any Place in *Ireland* where such Bank, Banking Company, or Banker shall have any House or Establishment for Business, or any authorized resident Agent or Agents, any Promissory Note or Bank Post Bill of any Denomination whatsoever, being or purporting to be the Note or Notes, Bank Post Bill or Bank Post Bills of

No Banker in Ireland to issue Notes which shall not express to be payable at the Place where issued.

the Bank, Banking Company, or Banker, making, issuing, or re-issuing the same, which shall not be payable at the Places respectively where the same shall be made, issued, or re-issued by or on behalf of such Bank, Banking Company, or Banker; and in every such Note the Place where the same shall have been issued or re-issued shall be expressly mentioned: Provided nevertheless, that if any such Promissory Note or Bank Post Bill shall be issued or re-issued contrary to the Provisions of this Act, the same shall nevertheless not only be valid against the Bank, Banking Company, or Banker issuing or re-issuing the same by any of the Ways or Means aforesaid, but such Bank, Banking Company, or Banker shall be liable and bound to pay, in the lawful Coin of the Realm, double the Amount of the Sum specified in each such Note or Bank Post Bill, (to be sued for and recovered by the Holder thereof in any of His Majesty's Courts for the Recovery of Debts in *Ireland*, by Action of Debt, Bill, Plaint, or Information,) either at the Place where the same shall have been issued or re-issued by or on behalf of such Bank, Banking Company, or Banker, or at any other Place where such Bank, Banking Company, or Banker shall have any House or Establishment for Business, notwithstanding such Note or Bank Post Bill shall not be expressed to be so payable, or shall be or expressed to be otherwise payable: Provided always, that nothing herein contained shall extend to prevent any such Promissory Note or Bank Post Bill from being made payable at several Places, if One of such Places shall be the Bank or Place where the same shall be so issued as aforesaid.

Notes issued contrary hereto shall be valid against the Party issuing; who shall also be liable in double the Amount.

Not to prevent Notes being made payable at several Places.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXII.

An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, in *Ireland*, in certain Cases.

[25th *July* 1828.]

WHEREAS by an Act made in the Parliament of *Ireland* in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing, reviving, and amending several temporary Statutes, and for empowering the Grand Jury of the County of* Kilkenny, *at the Assizes, to increase the yearly Salary of the Treasurer of the said County*, certain Provisions were made with respect to the lighting and cleansing of Cities, for the lighting and cleansing of which no particular Provision was made by any Acts of Parliament then in force: And whereas the said Provisions were amended by an Act made in the Parliament of *Ireland* in the Thirteenth and Fourteenth Years of the Reign of His said late Majesty, intituled *An Act for amending the Laws relative to the lighting and cleansing of several Cities, and for establishing of Market Juries therein, and for other Purposes*: And whereas the said recited Act of the Fifth Year aforesaid, so far as the same relates to the lighting and cleansing of the said Cities, was further amended and continued by an Act made in the Parliament of *Ireland* in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act for reviving, continuing, and amending several temporary Statutes*: And whereas by an Act made in the Thirty-sixth Year of the Reign of His late Majesty, intituled *An Act to explain and amend several Acts heretofore*

Irish Acts, 5 G. 3. c. 15. s. 11. 22.

13, 14 G. 3. c. 20. s. 1. 7.

25 G. 3. c. 54. s. 3.

36 G. 3. c. 51.

heretofore passed for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns, the Regulations and Powers of the said herein-before recited Acts were extended to Towns Corporate and Market Towns, not being Cities: And whereas by an Act made in the Parliament of the United Kingdom in the Forty-seventh Year of His said late Majesty's Reign, so much and such Parts of the said herein-before recited Acts as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in *Ireland*, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in *Ireland*, were continued for Twenty-one Years; and by an Act made in this present Session of Parliament, so much and such Parts as aforesaid of the said several recited Acts are continued for One Year, and from thence until the End of the then next Session of Parliament, unless Provision shall in the meantime be made by Parliament for the Repeal of the said Acts, or of any of them: And whereas the Provisions so made have not answered the good Purposes thereby intended, and it would greatly tend to the Improvement, good Order, and Security, and much promote the Trade and Prosperity, of the several Cities, Towns Corporate, Boroughs, Market Towns, and other Towns throughout *Ireland*, if effectual Provisions were established for the Purposes aforesaid, in lieu of the Provisions contained in the said recited Acts, and also for the Purpose of paving such Cities, Towns Corporate, Boroughs, and Market Towns, and for such Purposes as are herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much and such Parts of the said several herein-before recited Acts, or any of them, as relate to the lighting, cleansing, and watching of any Cities, Towns Corporate, or Market Towns, in *Ireland*, for the lighting, cleansing, and watching of which no particular Provision is made by any Act of Parliament in force in *Ireland*, shall be and the same are hereby repealed.

All continued by 47 G. 3. st. 1. c. 42. for 21 Years.

The recited Acts, so far as they relate to lighting, &c. of Cities and Towns, repealed.

II. And be it further enacted, That from and after the passing of this Act, upon the Application of Twenty-one or more Householders residing in any City, Town Corporate, Borough, Market Town, or other Town, in *Ireland*, the lighting, watching, cleansing, or paving of which is not provided for by or under any Act of Parliament, each of such Householders occupying a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to authorize the carrying this Act into Execution, and for that Purpose to order and direct that the Mayor or other Chief Magistrate of any such City, Town Corporate, or Borough, or any Two or more Justices of the Peace resident within Ten Miles of any such Borough or Market Town, or other Town, not being a Town Corporate, shall convene a Meeting for the Purpose of carrying this Act into Execution, and shall preside thereat; such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, or in his Absence by the Under Secretary; and a Copy of such Orders and Directions, with

On Application of 21 Householders of any City, &c. the lighting of which is not provided for, the Lord Lieutenant may order the Mayor, &c. of such City to convene a Meeting for the Purpose of carrying this Act into Execution.

with the Names of the Parties signing the Application for the same, shall be inserted, under the Direction of such Chief Secretary, in the *Dublin Gazette*, and in some One or more public Newspaper or Newspapers published in such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

Notice of Meeting shall be given within Ten Days after Receipt of Orders, and Meeting shall be held 21 Days after Notice.

III. And be it further enacted, That such Meeting shall be holden at some convenient Place within such City, Town Corporate, Borough, Market Town, or other Town, and that the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, within Ten Days after the Receipt of such Orders and Directions signified as aforesaid, appoint and notify a Time and Place for the said Meeting; and that the Time appointed for holding the said Meeting shall not be less than Ten Days and not more than Twenty-one Days from the Time of the first Notification of the same; and that such Notification shall be made by affixing a Notice on the principal outer Door or Doors of any and every Parish Church situate within such City, Town Corporate, Borough, or Market Town or other Town, and also on the principal Market House or Place where Markets are usually holden in the same, and also on the Guildhall or Townhall, if any, and also on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for such City, Town Corporate, Borough, or Market Town, or for the Division in which any such Market Town or other Town shall be situate, and also by causing a Notice to be inserted Three Times in some One Newspaper published within such City, Town Corporate, Borough, Market Town, or other Town, if any be therein published, and if none be therein published, then and in such Case in the Newspaper published nearest to such City, Town Corporate, Borough, Market Town, or other Town.

Notice to be affixed on Church Door, Sessions House, &c.

At such Meetings, all Inhabitants of Houses rated at 5*l.* in the City, &c. or within One Mile thereof, shall vote.

IV. And be it further enacted, That at any Meeting convened as herein-before directed, every Person who shall reside within the City, Town Corporate, Borough, Market Town, or other Town where such Meeting shall be held, and who shall have been assessed or charged by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Five Pounds or more, shall be admitted and entitled to vote, and no other Person whatsoever; and that wherever it shall happen that the Limits of any Town may not be defined, every Person shall be admitted to vote who, being assessed as aforesaid, shall reside within the Distance of One *Irish* Mile from the principal Market House of such Town, if any there be, and if none, then within the Distance of One such Mile from the Verge or Boundary of the Place where the principal Market of such Town is usually held.

Persons liable to Parish Rates, and consenting to be rated, may vote.

V. Provided always, and be it enacted, That when any Person shall have become liable to be rated in any such Parish at any Time after the making of the last preceding Rate, and shall consent to be rated in like Manner as if he had been actually rated for the same, such

such Person shall, if otherwise qualified, be entitled to vote as if he had been actually rated; and that every Person residing in any Extra-parochial Part or Place, and occupying therein a Dwelling House or Tenement of the annual Value of Five Pounds or more, shall be entitled to vote, although not charged in any Parochial Rate to the same; any thing herein-before contained to the contrary notwithstanding.

Persons neglecting to pay on Demand shall not vote.

VI. Provided also, and be it enacted, That no Person who shall have refused or neglected to pay any Rate duly imposed at Vestry as aforesaid, and which shall have been demanded from him, shall be entitled to vote or to be present at such Meeting called as has been herein-before directed, until he shall have paid and satisfied such Rate.

Right of voting shall be decided by Chairman of Meeting.

VII. And be it further enacted, That if any Controversy shall arise at any such Meeting, as to the Qualification or Right of voting, or Eligibility of any Person claiming to vote or to be qualified or eligible, such Controversy shall be determined by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at such Meeting.

Mayors, &c. shall preside at the Meeting, which shall determine whether this Act shall be executed in the Place where Meeting is held.

VIII. And be it further enacted, That the Mayor, Chief Magistrate, or Justices (as the Case may be) to whom such Orders or Directions shall be given as aforesaid, shall preside at any Meeting assembled as herein-before directed, and shall read or cause to be read the Requisition whereupon he or they have summoned such Meeting, and shall require the Persons assembled thereat to determine, by Plurality of Votes, whether the Provisions of this Act, as herein-after set forth, for the several Purposes of lighting, watching, cleansing, paving, and the other Purposes of the same, shall or shall not be adopted and acted upon within such City, Town Corporate, Borough, Market Town or other Town, and the Liberties and Suburbs thereof, or any Part of such Liberties and Suburbs.

If Meeting determine against adopting Provisions of this Act, it shall be adjourned sine Die, not to be again convened for Three Years from Time of Adjournment, and so toties quoties every Three Years.

IX. And be it further enacted, That if such Meeting shall determine against adopting the said Provisions, such Meeting shall adjourn *sine Die*, and it shall not be competent for any Householders within the same City, Borough, or Town to make any such Application as has been herein-before described, nor shall any such Orders and Directions as have been described issue for convening a like Meeting within the same City, Borough, or Town, for and during the Term of Three Years, computed from the Term of Adjournment aforesaid; and at and after the Completion of such Term it shall become again competent to make such Application, and thereon to issue such Orders and Directions as aforesaid; provided that if at any Time after the Completion of such Term of Three Years a Second Application should be made, and such Orders and Directions a Second Time issued, and a Meeting thereupon convened, and that such Second Meeting should in like Manner determine against adopting the Provisions of this Act, such Meeting shall adjourn *sine Die*, and it shall not be lawful to make such Application as has been herein-before described, nor thereupon issue such Orders and Directions, for and during

during another Term of Three Years, to be computed from the Time of Adjournment of such Second Meeting, and so for ever *toties quoties*; it being hereby intended, and it is hereby enacted, that no such Application shall be made, nor such Orders and Directions issued, nor Meeting thereupon convened, as has been herein-before described, within any such City, Borough, or Town for and during the Space of Three Years from the Time of the Adjournment of any former Meeting of the like Nature, such former Meeting having determined against the Adoption of the Provisions of this Act: Provided also, that upon the Completion of such Term of Three Years from any such Adjournment, the Powers, Ability, Competency, Authority, and Duties by this Act created or conferred, for the Purpose of bringing the Provisions of this Act into Operation within any such City, Borough, or Town, shall revive and be restored, and be of the same Force, Effect, Validity, and Obligation, as if no former Meeting had been at any Time convened.

Meeting may adopt the Provisions of this Act for any One or more of the Purposes thereof; in such Case the Act to be applied to such Purposes only; but may be afterwards extended to the Purposes omitted or excepted.

X. Provided always, and be it enacted, That if any such Meeting convened as aforesaid should determine against adopting the Provisions of this Act for all and every the Purposes of the same, it shall and may be lawful for any Person entitled to vote at any such Meeting as aforesaid to propose the Adoption of the Provisions of this Act for any One or more of such Purposes, and if such Meeting should determine to adopt such Provisions for any One or more of the said Purposes, then and in such Case the Provisions of this Act shall be valid and effectual to accomplish, and shall and may be applied to, and all the Powers by this Act conferred upon any Person or Persons shall extend to accomplish, the Purpose or Purposes comprised in the Resolution of such Meeting only, as if any other Purpose or Purposes had not been mentioned in this Act: Provided also, that the Provisions of this Act, with regard to any Purpose or Purposes omitted or excepted out of such Resolution, may be proposed for Adoption and brought into Operation in the Manner before appointed, and subject to the like Provisions and Regulations appointed for bringing this Act into Operation generally.

If Meeting determine to proceed in the execution of this Act, Commissioners shall be elected from Residents rated to 20*l.* a Year.

XI. And be it further enacted, That if at any such Meeting it shall be determined that the Provisions of this Act shall be adopted for all or any of the Purposes of this Act, then and in such Case it shall forthwith be determined at such Meeting, that a Number of Commissioners, not being less than Nine nor more than Twenty-one, shall be elected to carry such Purposes into Effect, and upon such Determination such Number of Commissioners shall be elected in manner herein-after mentioned; and every Person who shall reside within such City, Borough, or Town, and who shall have been assessed or charged, by the last Rate made at Vestry in the Parish wherein such Person shall dwell, for or in respect of a Dwelling House or other Tenement of the computed annual Value, according to the said Rate, of Twenty Pounds or more, shall be eligible to be elected a Commissioner for the Purposes of this Act; provided nevertheless, that in the Case of any Town the Limits of which may not be defined, every Person assessed as aforesaid, who shall reside within One *Irish* Mile of the principal Market House of such Town,

if any there be, and if none, then within One such Mile of the Verge or Boundary of the Place where the principal Market of such Town is usually held, shall be eligible as aforesaid; and that every Person residing in any Extra-parochial Part or Place, occupying therein a Dwelling House or other Tenement of the annual Value of Twenty Pounds or more, although not charged in any Parochial Rate for the same, shall also be eligible as aforesaid; and provided further, that the Mayor, Chief Magistrate, or Justices presiding at such First Meeting and Election, shall not be eligible to be elected thereat, but shall and may be eligible at any subsequent Election under this Act.

Mode of Election of Commissioners.

XII. And be it further enacted, That such Commissioners shall be elected in manner following; that is to say, each Candidate shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified, and if more Candidates than the Number of Commissioners required shall be proposed, and that a Poll shall be demanded by any Ten Persons qualified to vote on behalf of any of such Candidates, then the Mayor or other Chief Magistrate or Justices presiding, as the Case may be, shall adjourn the said Meeting until Ten of the Clock in the Forenoon of the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and shall at such Time and at the same Place open and proceed with such Poll, and in a Book or Books prepared for that Purpose, which Book or Books he or they is and are hereby required previously to prepare, enter or cause to be entered the Names of all such Candidates, and the Name of every Person duly qualified to be present and vote, who shall desire to vote, together with his Description and Abode, and shall register the Vote of every such Person for every or any such Candidate as every such Person may respectively require; and if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected and registered by Four of the Clock of the same Day upon which the said Poll shall have been commenced, then the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall adjourn such Poll to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and if such Second Day shall likewise prove insufficient, shall adjourn to the Day next succeeding, unless such Day shall be *Sunday*, and in that Case to the *Monday* following, and so proceed, *de Die in Diem*, to collect and register the Votes of all Persons duly qualified and applying to vote; and on each Day to which an Adjournment shall be made, the Poll shall open at Ten of the Clock in the Forenoon, and close at Four of the Clock in the Afternoon; provided nevertheless, that the Poll shall finally close so soon as all the Persons duly qualified and desirous to vote shall have voted, or after the Lapse of One Hour without any Person offering to vote; and so soon after the Close of the Poll as may be possible, the Result thereof shall be proclaimed at the Place where the Election may have been holden; and such Mayor or other Chief Magistrate or Justices, as the Case may be, shall forthwith, by public Advertisement, and by Notice to be given in manner herein-before directed for convening the First Meeting, appoint and notify a Time and Place whereat the Persons so elected Commissioners as afore-

said shall assemble, and the Names of the Persons so elected shall, together with the Number of Votes given for each of them respectively, be set forth in such Notice, and the Time appointed for the assembling of such Persons so elected as aforesaid shall be not less than Seven Days, and not more than Fourteen Days, from the Date of such Notification; and the said Mayor or other Chief Magistrate or Justices, as the Case may be, shall, out of the first Monies raised by virtue of the Assessment herein-after directed to be made, be reimbursed all such reasonable Charges and Expences as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby prescribed to them, and the said Commissioners are hereby empowered and required to make such Reimbursement of such Monies accordingly; provided that in case the said Meeting shall determine against the Adoption of this Act for all or any of the Purposes of the same, the said Mayor, Chief Magistrate, or Justices shall be reimbursed all such Charges and Expences incurred as aforesaid by and out of the Funds applicable to such general Purposes, under the Direction of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, and the said Chief Secretary is hereby empowered and required to direct such Reimbursement accordingly.

Expences of Elections.

XIII. And be it further enacted, That over and above the Number of Commissioners appointed to be elected in any City or Town Corporate, the Mayor or other Chief Magistrate of such City or Town Corporate for the Time being, if not elected to be a Commissioner by virtue of this Act, shall and may by virtue of his Office be one of such Commissioners, and shall and may attend and vote at all Meetings of the Commissioners; but such Mayor or other Chief Magistrate, if not elected to be a Commissioner, shall not be eligible to be Chairman of such Commissioners, nor shall he, unless elected as aforesaid, be subject or liable to any Fines or Penalties by reason of Nonattendance at any Meeting of the Commissioners, or to become disqualified or vacate his Place by reason of Absence from such Meetings for any Period; provided that in all Cases where in this Act Mention may be made of a certain Quorum or Proportion of the entire Number of Commissioners, as required to do or perform certain Acts and Functions, such Mayor or Chief Magistrate, although not elected to be a Commissioner, shall and may when present be reckoned for such special Purpose among the Persons making up the required Proportion of the whole Number of Commissioners.

Mayor of a City, &c. may be a Commissioner in Right of his Office.

XIV. And be it further enacted, That all Persons who shall be first elected Commissioners in any City, Town Corporate, Borough, or Town, at the First Meeting held under the Provisions of this Act, shall go out of Office on the Thirty-first Day of *July* in the Third Year from the said First Election; and in place of such Commissioners so going out of Office a like Number of other Commissioners, to be elected as herein-after provided, shall come into Office, and remain in Office for a Term of Three Years, and at the Expiration of such last-mentioned Term of Three Years shall in like Manner go out of Office, and be succeeded by other Commissioners, who shall remain in Office for a like Term of Three Years, and so on for ever: Provided always, that

Commissioners shall go out of Office on the 31st of July, at the End of every Three Years, but may be re-elected.

that any of such out-going Commissioners, except the Chairman of the said Commissioners who shall hold and preside at the Election of Commissioners as herein-after directed, shall be re-eligible and may be re-elected, and shall in such Case continue to act and remain in Office; any thing herein contained to the contrary notwithstanding.

Property vested in Commissioners going out shall vest in their Successors.

XV. And be it further enacted, That whenever and so soon as any Body of Commissioners shall have completed their appointed Term of Office, all Right, Title, and Interest in and to any Monies, Books, Papers, Lands, or Tenements, and all other Property whatsoever, Real or Personal, theretofore vested in or appertaining to such Commissioners by virtue of this Act, or acquired by or arising from the Powers by this Act created, shall be divested from and out of such Body of Commissioners, and shall be transferred to and shall become vested in the Body of Commissioners elected to supply the Places of such former Commissioners, to all Intents and Purposes, as fully and effectually as if the same had been assigned, transferred, or conveyed by any Instrument or Assurance in Law, by *Delivery of* Seisin, or of actual Possession.

Triennial Meetings, for electing Commissioners, shall be held on the First Monday in July by Chairman of Commissioners, at which Inhabitants of Houses rated at 5*l.* a Year shall vote.

XVI. And be it further enacted, That at all Meetings for the Election of Commissioners for the Execution of this Act, which shall be held subsequent to the First Election of Commissioners, saving and excepting the Elections herein-after appointed to be made by the surviving or remaining Commissioners, in any City, Borough, or Town, every Person shall be admitted and entitled to vote who shall occupy, and who for Twelve Months then next previous shall have occupied, within such City, Borough, or Town, or the Liberties or Suburbs thereof, to which, as determined by the Commissioners for such City, Borough, or Town, in virtue of the Discretion herein-after vested in them, the Purposes of this Act shall extend or be extended, a Dwelling House of the annual Value of Five Pounds at the least, and none other Person whatsoever, and the Registry herein-after directed to be made shall be conclusive Evidence of the afore-mentioned Qualification; and the Chairman of the Commissioners for the Time being for the Execution of this Act shall, previous to the First *Monday* in *July* in the Year in which such Election shall take place, give due Notice, in manner by this Act required with respect to the First Meeting to be held under this Act, that a Meeting will be holden on such First *Monday* in *July* for the Election of Commissioners for the Execution of this Act for the Three Years next succeeding; and such Chairman shall at and in such Election proceed in such Manner as the Mayor or other Chief Magistrate or Justices presiding at the First Meeting to be held under this Act are herein-before directed to proceed in the Election of the Commissioners to be first appointed for the Execution of this Act, and shall decide all Questions which may arise as to the Eligibility or Qualification of any Persons whatsoever, and as to all other Matters whatsoever connected with the said Election, and shall certify the Result of the same to the Commissioners for the Time being for the Execution of this Act in such City, Borough, or Town as aforesaid, where such Election shall be made.

XVII. And

In case of any casual Vacancy, the Chairman shall, within Fourteen Days, call a Meeting of the Commissioners to supply such Vacancy.

XVII. And be it further enacted, That in case any Commissioner shall die, or become disqualified by Change of Residence or otherwise, or shall refuse or neglect to act, and in case of any casual Vacancy happening in any Manner whatever, it shall be lawful for the Chairman of the Commissioners for the Time being, and he is hereby required, within Fourteen Days next after a Vacancy shall so happen, to issue a Summons for an extraordinary Meeting of the surviving or remaining Commissioners, for the Purpose of electing a new Commissioner to supply such Vacancy, such Summons to be served on the said surviving or remaining Commissioners personally, or left at their respective Dwelling Houses; and the Time appointed for such extraordinary Meeting shall be not less than Seven and not more than Fourteen Days from the Date and issuing of such Summons; and at such Meeting it shall be lawful for such Commissioners to elect a proper Person to be a Commissioner in the Room of the Person who shall have ceased to be such Commissioner as aforesaid; provided always, that until such casual Vacancy or Vacancies shall be supplied, the remaining Commissioners shall, notwithstanding any such Vacancy or Vacancies, be fully competent to do all Acts and Things which by this Act such Commissioners are authorized, empowered, or required to do; and the Commissioner elected upon any such casual Vacancy shall, on coming into Office, occupy the Place of the Person in the Room of whom he shall have been elected, and remain in Office for the Residue of the Term during which the said former Commissioner might or would have remained in Office if such Vacancy had not occurred.

Chairman neglecting or refusing so to do, to forfeit 100*l*.

XVIII. And be it further enacted, That if such Chairman of the Commissioners for the Execution of this Act for the Time being shall neglect or refuse at such Time as has been herein-before appointed for the Election of new Commissioners, or he being thereunto required by any Person included in the Registry herein-after directed to be made shall neglect or refuse, upon the Occurrence of any Vacancy among the Commissioners, occasioned by Death, Disqualification, or any other Cause whatsoever as herein-after is provided, to notify the same, and to convene a Meeting for the Election of a new Commissioner or Commissioners, as the Case may be, and thereat and thereupon to proceed as herein directed, such Chairman shall cease to be a Chairman or Commissioner, and shall forfeit to any Person, being a Householder in the same City, Borough, or Town, who shall sue for the same, the Sum of One hundred Pounds, such Sum to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Dublin*, wherein respectively no Essoign, Wager of Law, or more than One Imparlance, shall be allowed; provided that no such Sum be recovered, unless some Prosecution, Action, or Suit for Recovery of the same be commenced within Six Calendar Months after such Forfeiture shall have been incurred; and upon such Default of such Chairman, the senior Commissioner (such Seniority to be determined by Priority of Election) shall convene such Meeting, and shall proceed to make and certify such Election, and shall convene such Meeting upon some Day not less than Seven Days and not more than Fourteen Days from the Expiration of the Time limited and appointed for

Upon such Default, Commissioners, according to their Seniority, required to act, under the

like Penalty as the Chairman.

for the convening of such Meeting by such Chairman, and shall notify the same and proceed thereat as the said Chairman ought to have done, and the Election so made and held shall be to all Intents and Purposes a good and valid Election, as if made by the said Chairman in conformity to this Act; and in default of such senior Commissioner, the Commissioner next in Seniority shall convene such Meeting, and so on, the Duty and Competency to call such Meeting devolving upon each Commissioner successively on Default of the next senior Commissioner; and each individual Commissioner shall by his Default incur the like Disqualification and Forfeiture, to be recovered in the like Manner, as was incurred by the Chairman upon his Default.

Commissioners shall be Occupiers of Houses of 20*l.* a Year.

XIX. And be it further enacted, That no Person shall, at any Election subsequent to the First Election held pursuant to this Act, be eligible to be elected a Commissioner for any City, Town Corporate, Borough, Market Town or other Town, unless he shall occupy, and shall for Twelve Months next previous have occupied, an House of the clear annual Value of Twenty Pounds or upwards, situate within the same City, Borough, or Town, or the Suburbs or Liberties thereof, to which, as determined by the said Commissioners pursuant to the Power herein-after vested in them, the Purposes of this Act shall extend or be extended; and the Registry herein-after directed to be made shall be conclusive Evidence of the aforementioned Qualification.

Commissioner neglecting to attend Three first Meetings, or for Six Months, his Place shall be declared vacant, unless in case of Illness, &c.

XX. And be it further enacted, That if any Person duly elected to be a Commissioner under this Act shall refuse or neglect to attend some One of the Three first Meetings of Commissioners which shall be held immediately subsequent to his Election, and thereat to take the Oath or make the Affirmation by this Act appointed to be taken or made by Commissioners, the Appointment of every such Person so refusing or neglecting shall become void, and his Place or Office shall be declared vacant, unless it shall be made appear to the Satisfaction of the other Commissioners acting in the Execution of this Act in the same City or Place, that such Person was prevented from attending by some Illness or other sufficient Cause, to be allowed by the Majority of such Commissioners present at any such Meeting; and if any Commissioner shall absent himself from the Meetings of the Commissioners for Six Calendar Months, the Clerk of the said Commissioners shall, in the first Summons or Notice of Meeting issued after the Expiration of such Six Calendar Months, insert a Notification to that Effect; and if such Person shall fail to attend the Meeting of Commissioners required to be holden by such Summons or Notice, he shall be deemed to have neglected to act as a Commissioner, and his Place shall be declared vacant, unless in the Case of Illness or other sufficient Cause, to be shown to and allowed by the Commissioners at the Meeting for which such Notice shall have been given: Provided always, that it shall and may be lawful for a Majority of the Commissioners to dispense with the Attendance of any One or more such Commissioners, not exceeding One Fourth Part of the whole Number of Commissioners, for more than Three Meetings, or for any Period of Time not exceeding Six Calendar

Months, in case of the necessary and *bonâ fide* Absence from Home of any such Commissioner or Commissioners respectively, but not in any other Case.

Commissioners shall define Limits of the respective Cities and Towns, and make out a Registry of Persons occupying Houses of 5*l.* per Annum or upwards, distinguishing Houses of 20*l.*

XXI. And be it further enacted, That it shall be lawful for the Commissioners for the Time being for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, under this Act, and they are hereby authorized, empowered, and required, to determine the Limits of such City, Town Corporate, Borough, Market Town or other Town, respectively, and of the Suburbs and Liberties thereof respectively, to which the Purposes of this Act shall extend; and to cause to be kept, and from Time to Time with all Diligence and Care, and upon reasonable Requests at all Times, to revise and amend a Registry of all the Householders resident within such City, Town Corporate, Borough, Market Town or other Town, or the Limits of the Suburbs and Liberties thereof respectively determined by such Commissioners as aforesaid, and occupying Houses of the annual Value of Five Pounds or upwards; and such Registry shall distinguish such of the said Householders as shall occupy Houses of the annual Value of Twenty Pounds or upwards, their Descriptions and Abodes; and such Commissioners shall cause a Ticket containing an Extract from such Registry to be prepared and delivered to every Person so registered who shall demand the same, and such Ticket shall be subscribed by the Chairman of the Commissioners and by the Clerk of the said Commissioners for the Time being; and no Person shall be admitted to vote at any Election, except the first Election held pursuant to this Act, unless such Persons shall exhibit such Tickets at the Time of voting, if required so to do; and it shall be lawful for such Commissioners at their Discretion to take Measures to preclude the Intrusion of any Persons not provided with Tickets into the Place of Meeting.

Tickets shall be delivered to each Occupier.

Penalty for forging such Ticket, or fraudulently voting.

XXII. And be it further enacted, That any Person exhibiting a forged Ticket, or personating the true Party named therein, or fraudulently procuring his Vote to be registered without having a Ticket, well knowing himself to be without a due Qualification, and who shall be thereof convicted before any One Justice of the Peace within whose Jurisdiction such Offence may be committed, shall for every such Offence forfeit the Sum of Twenty Pounds, and in default of Payment, shall and may be committed to the next Gaol or Bridewell within such Jurisdiction, there to be kept to hard Labour for Six Calendar Months.

Commissioners to meet on the First Monday in every Month, at Noon.

XXIII. And be it further enacted, That the Commissioners for executing this Act in any City, Town, Borough, or Place, shall meet on the First *Monday* in every Month, at Noon, at some convenient Place or Office previously publicly notified; and at such monthly Meeting it shall be lawful for any Householder residing within any such City, Town, Borough, or Place, or the Liberties or Suburbs thereof, to which the Purposes of this Act may be extended, to appear and prefer any Matter of Complaint which he may think proper, concerning any Matter or Thing done by force or in pursuance of or under pretence of the Provisions of this Act.

XXIV. And

Commissioners shall attend monthly Meetings in Rotation of One Third of the whole Number; Penalty on Neglect, 40s.; and on Non-payment, Disqualification.

XXIV. And be it further enacted, That such Commissioners shall attend such monthly Meetings in Rotation, not less than One Third of the whole Number of such Commissioners attending at each Meeting; but it shall be lawful for any Commissioner to attend and vote at such monthly Meetings, if he thinks proper so to do, although it be not his Turn to attend; and if any Commissioner whose Turn it shall be to attend, shall fail to attend or to procure some other Commissioner to attend in his Stead, such Commissioner so making Default shall forfeit the Sum of Forty Shillings, to be paid to the Treasurer or Clerk of the Commissioners; and if any such Commissioner shall fail or refuse to pay such Fine or Penalty within Ten Days after the same shall be demanded of him personally by the said Treasurer or Clerk, he shall thereupon cease to be and shall be disqualified from acting as such Commissioner; provided always, that in case of Sickness or other unavoidable Absence, such Fine or Penalty may be remitted at any Meeting of such Commissioners.

Special Meetings of Commissioners, on Requisition of One Third of them, &c.

Quorum.

XXV. And be it further enacted, That such Commissioners shall meet at all other Times and so often as at any previous Meeting shall be determined upon; and it shall be at all Times competent for not less than One Third of the whole Number of such Commissioners, by Writing under their Hands, to require the Clerk of such Commissioners to summon the Commissioners for any special Purpose therein named, and for such Time as shall be therein named, subject to such Restrictions as is herein-after provided; and that at all Meetings of such Commissioners any Number not less than One Third of the whole Number of such Commissioners shall constitute a Quorum for transacting Business, except upon such Occasions as are otherwise specially provided for by this Act; and the Chairman shall have a casting Voice, but shall not be allowed to vote unless the Commissioners present be equally divided.

Forty-eight Hours Notice of each Meeting to be given, stating the Business.

XXVI. And be it further enacted, That all such Commissioners shall be summoned to every Meeting by Summons delivered to them personally or left at their respective Dwelling Houses at least Forty-eight Hours before the Time of Meeting, such Summons specifying the Business to be transacted at such Meeting as settled at the last preceding Meeting, or in case of a Special Meeting, as named by the Commissioners calling the same; and if any Matter other than that plainly and distinctly set out in such Summons shall be determined at any Meeting, such Determination may be rescinded at any subsequent Meeting, due Notice to that Effect being first given in the Summons convening such subsequent Meeting: Provided, that the Decision of any Meeting upon a Matter duly set out in the Summons convoking such Meeting shall be final, unless rescinded by a Majority of the whole Number of Commissioners at a Meeting of such Commissioners.

First Meeting of Commissioners to be appointed by Mayor, &c.

XXVII. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town or other Town, shall assemble at such Time and Place as shall have been appointed and notified by the Mayor or other Chief Magistrate or Justices, as the Case may be, presiding at the Meeting for the Election of

of such Commissioners, and at such Time and Place such Mayor or other Chief Magistrate or Justices, as the Case may be, shall attend; and it shall be lawful for such Mayor or other Chief Magistrate or Justices, or either of them, and he and they is and are hereby authorized and required, to administer to any and every of the Persons elected Commissioners who shall be present at such Meeting, and every such Commissioner shall make and take and subscribe, an Oath to the Effect following; (that is to say,)

Oath of Commissioners to be first administered by Mayor.

'I *A. B.* do swear, That I am duly qualified to act as a Commissioner under an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and that I will faithfully, impartially, and honestly execute the Powers and Trusts reposed in me as a Commissioner appointed by virtue of the said Act, to the best of my Knowledge and Ability, for the Purposes in the said Act mentioned.

'So help me GOD.'

Oath.

And if any Person elected a Commissioner shall be a Quaker, the solemn Affirmation of such Person to the above Effect shall be received instead of his Oath; and all Persons elected Commissioners, who shall not be present at such first Meeting, or who shall be elected Commissioners at any subsequent Election, shall take such Oath (or, if Quakers, make such Affirmation,) at a Meeting of the Commissioners for the Time being, and any One of such Commissioners is hereby authorized to administer such Oath in the Presence of the other Commissioners at such Meeting; and the Form of such Oath or Affirmation shall be entered by the Clerk in a Book to be prepared for the Minutes of the Proceedings of the said Commissioners, and shall be subscribed in such Book by every Commissioner making or taking the same; and such Entry shall, upon Oath of any subscribing Commissioner, be received as conclusive Evidence that such Oath or Affirmation was duly taken or made; and if any Person at any Time elected a Commissioner shall vote, or shall do any other Act or Thing as a Commissioner under this Act, without having previously taken such Oath, or made such Affirmation, such Person shall forfeit the Sum of One hundred Pounds to any Person being a Householder within the same City, Town Corporate, Borough, or Market Town or other Town, or the Suburbs and Liberties aforesaid, who shall sue for the same.

Affirmation if a Quaker.

Oath may be administered by sworn Commissioners;

and shall be entered and signed in Minute Book.

Penalty on Commissioner acting without being sworn, 100*l.*

XXVIII. And be it further enacted, That immediately after taking such Oath, or making such Affirmation, the Commissioners first elected in any City, Town Corporate, Borough, or Market Town or other Town, under this Act, shall proceed to elect, by Majority of Voices, One of such Commissioners to be their Chairman, who shall go out of Office on the Thirty-first Day of *July* next ensuing; and that on the First Day of *August* in every Year, the Commissioners for the Time being shall elect a Chairman for the ensuing Year; and in case any Chairman so appointed shall decline to act as Chairman, or shall die or become disqualified, or shall neglect or refuse to act as a Commissioner, or otherwise vacate his Place, a new Chairman shall be in like Manner elected to serve for the Residue of the Year for which such former Chairman was elected, and the Chairman for

Appointment of Chairman of Commissioners.

the Time being shall preside at all Meetings of the Commissioners at which he shall be present; and in case of Absence, such Chairman may constitute and appoint a Deputy Chairman, or if no such Deputy shall be appointed, the Commissioners present shall appoint One of their Number present at any such Meeting to act as a Chairman.

Commissioners to appoint Officers during Pleasure, and rent an Office.

XXIX. And be it further enacted, That it shall be lawful for the Commissioners elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act for the Time being, and they are hereby authorized and required to appoint, during Pleasure, such Treasurer and Clerk, and Collector or Collectors, and other inferior Servants, as they shall think necessary for effectuating the Purposes of this Act, and to hire and rent a sufficient Office or House or Houses for holding their Meetings and transacting their Business, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer, Clerk, Collector or Collectors, and other inferior Servants, and also to agree for a reasonable Rent for such Office or House or Houses, and to pay such Salaries, Wages, and Allowances, and such Rent, out of any Monies raised or levied by such Commissioners under the Authority of this Act.

Clerk not to be Treasurer, &c.

Commissioners shall take Security from Officers in sufficient Sums, or otherwise shall be answerable for the same.

XXX. And be it further enacted, That the Clerk of the said Commissioners shall not be capable of being the Treasurer or a Collector under such Commissioners, nor shall such Treasurer be capable of being a Collector under such Commissioners; and that it shall be lawful for such Commissioners, and they are hereby authorized and required, to take and require from each and every of such Treasurer and Collectors a Bond, with Two sufficient Sureties, conditioned for the punctual and faithful Discharge of their respective Trusts, in such penal Sums as such Commissioners shall think fit and proper, according to the Amount of Money to be received by such Treasurer or Collectors respectively; and if it shall appear that such Commissioners have taken such Bonds from such Treasurer and Collectors to a sufficient Amount, and have, to the best of their Ability, ascertained the Sufficiency and Solvency of such Treasurer and Collectors, and of their respective Sureties, and that such Commissioners have, without Covin or Partiality, provided so far as in them lay for the safe and secure keeping of such Monies and Funds by the said Treasurer and Collectors, such Commissioners shall not be liable to make good the Amount of any Defalcation or Embezzlement on the Part of such Treasurer or Collectors: Provided always, that such Commissioners shall, and each of them shall, otherwise be liable to make good the Amount of any Defalcation or Embezzlement in or of any Monies and Funds raised or accruing under this Act, as if the same had actually been received by the Hands of the said Commissioners and each of them; any thing in this Act contained to the contrary notwithstanding.

Collectors shall pay Monies to Treasurer when amounting to 100*l*., &c.

XXXI. And be it further enacted, That every such Collector shall from Time to Time, as such Commissioners may direct, and at all Times, so soon as his Receipts shall amount to One hundred Pounds, pay over to such Treasurer all Monies levied or collected by such Collector under or by virtue of this Act; and the Treasurer for the

Time being, and none other Person whatsoever, shall have Power or Authority to receive such Monies from such Collector; and no Commissioner shall receive or meddle with any Monies levied or collected under this Act; and all Payments and Disbursements shall be made by the Hands of the Treasurer, and only upon an Order in Writing, subscribed by the Chairman and countersigned by the Clerk of the Commissioners for the Time being, or upon an Order issued pursuant to a Resolution of a Meeting of Commissioners, and expressed to be so issued, and subscribed by the Person who presided at such Meeting and by the said Clerk; provided that no Order for the Payment of any Sum exceeding Fifty Pounds shall be good, unless issued pursuant to a Resolution adopted at a Meeting whereat not less than Two Thirds of the whole Number of Commissioners shall attend; and any Order duly expressed and subscribed as herein-before directed shall be in the Hands of the said Treasurer a good and sufficient Warrant for any Payment made pursuant thereto, and shall be *pro tanto* an Acquittance and Discharge of such Treasurer.

Money to be issued on Order of Chairman, &c., but no Order good if for more than 50*l.*, unless under Vote of Commissioners at a Meeting where Two Thirds are present.

XXXII. And be it further enacted, That at any Meeting of such Commissioners any Treasurer, Clerk, Officer, or Servant may be dismissed or fined for Negligence or other Misconduct, upon the Complaint of any Householder or on the Relation of any Commissioner; and in case of the Dismissal of any such Officer, he shall only be entitled to a rateable Proportion of his Salary, Wages, or Allowances, and any Fine imposed upon him shall and may be deducted thereout; and the Salary, Wages, or Allowances of any Collector appointed under this Act shall not in the whole amount to a Sum exceeding Sixpence in the Pound on the Sum collected by such Collector.

Power of Commissioners over their Servants and Officers.

Allowance to Collector.

XXXIII. And be it further enacted, That such Commissioners shall cause a Book or Books to be kept, wherein shall be entered an Account of all Monies raised or levied and paid under this Act, distinguishing the Sum raised on and levied and paid by each Individual; and also an Account of all Fines and Forfeitures levied under this Act, with a Note of the Offence whereby incurred; and also an Account of all the Salaries, Wages, Allowances, and Emoluments of the Treasurer, Clerk, Collector or Collectors, and other Officers or Servants; and also of all Disbursements made, and all Charges incurred, of what Kind soever, each Item being distinguished, in effectuating the Purposes of this Act; and the Account in such Book or Books shall be regularly balanced up to the Thirty-first Day of *July* in each Year, and a Copy of the same shall be made out and printed, and delivered to each of the Commissioners, and also to any Person subject to any Assessment under this Act, who shall demand the same, paying for such Copy the reasonable Charge of printing the same.

Commissioners shall keep Accounts, and balance same up to July 31, in each Year.

Accounts to be printed.

XXXIV. And be it further enacted, That such Commissioners shall cause their Clerk to keep a Book or Books, in which shall be entered Minutes of all their Proceedings and Transactions; and the Chairman at each Meeting shall see the Entry of the Proceedings thereat duly made, and shall subscribe the same with his Hand, and the Names of the

Commissioners shall keep a Book of Minutes of the Proceedings.

the said Commissioners present at every Meeting shall be entered; and every Book containing such Entries shall at all reasonable Times be open to the Inspection of every Person subject to Assessment under this Act, and it shall be lawful for any such Person to peruse and to make any Extract from any such Book without Fee or Reward.

Estimate of the Value of all Houses, Shops, &c. within any City or Town shall be made and sworn to before Commissioners, who shall appoint a Place for the general Inspection thereof, and Copies may be given to Parties requiring the same.

XXXV. And be it further enacted, That the Commissioners first elected in any City, Town Corporate, Borough, Market Town or other Town, under this Act, shall immediately on their entering into Office appoint a proper Person or Persons, who shall proceed with all Diligence to make a Survey, with an Estimate and a Valuation of the full improved yearly Value, of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements situate within such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof, to which the Provisions of this Act shall be applied and extended; and such Estimate and Valuation shall be laid before and delivered to such Commissioners, and shall be verified upon the Oath or Affirmation of the Person or Persons making the same before such Commissioners, which Oath or Affirmation the Chairman of such Commissioners is hereby authorized and required to administer; and such Commissioners shall forthwith cause One or more fair Copies of such Estimate and Valuation to be prepared, and shall appoint some One or more convenient Place or Places within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, whereat such Estimate or a Copy or Copies thereof shall lie for Ten successive Days, (*Sunday* not included in such Computation,) and between the Hours of Ten in the Morning and Four in the Afternoon of each Day, open to the Inspection and Examination of every Person subject to any Assessment under this Act; and such Place or Places, and such Period, appointed for the Inspection and Examination of such Estimate or Valuation, shall be notified by such Means as is herein-before directed for the Notification of the First Meeting to be held under this Act; and every Person subject to such Assessment aforesaid, who shall demand a Copy of the Whole or any Part of such Estimate and Valuation, and shall tender the reasonable Charge of preparing the same to the Clerk of such Commissioners, shall be entitled to such Copy within Three Days after such Demand and Tender.

Parties dissatisfied with Estimate may appeal to Commissioners.

XXXVI. And be it further enacted, That if any Person or Persons shall or may think such Estimate or Valuation, or any Part thereof, to be erroneous, whether in respect of any excessive Estimate of any Premises belonging to such Person or Persons, or of an insufficient and inadequate Estimate of Premises belonging to any other Person or Persons, it shall and may be lawful for the Person or Persons dissatisfied with such Estimate or Valuation, at any Time during or within Seven Days from the Termination of the Period of Ten Days appointed for the Inspection of such Estimate or Valuation, to deliver to the Clerk of such Commissioners a Notice in Writing of the Intention of such Person or Persons so dissatisfied to appeal to such Commissioners against such Estimate or Valuation, or any Part thereof, and such Notice shall specify the Grounds of such Appeal;

and

and the Clerk of such Commissioners shall make an Entry of such Notice, and shall and may receive for the same the Fee of One Shilling; and such Commissioners shall appoint a Time and a Place for hearing such Appeal, and the Clerk of such Commissioners shall, at least Seven Days before the Time so appointed, give Notice of such Time and Place to the Party lodging such Appeal, and also to any other Person or Persons immediately concerned in the Matter of such Appeal; and at the Time and Place appointed it shall be lawful for such Commissioners, Two Thirds at least of the whole Number of such Commissioners being present, to hear such Appeal, and to determine the same by Majority of Votes, and to make such Amendment in such Estimate or Valuation as to such Commissioners shall seem fit and proper.

Every new Body of Commissioners shall, on coming into Office, examine the Assessment, and alter the same, if necessary, subject to Appeal, &c.

XXXVII. And be it further enacted, That such Estimate or Valuation, as finally settled by such Commissioners, shall be conclusive upon all Persons whomsoever, until the End of the Term for which such Commissioners shall have been elected; and it shall be lawful for each successive Body of Commissioners subsequently elected, and they are hereby authorized and required, to cause the existing Estimate to be examined, and to be amended, if need be, as soon as may be after such Commissioners shall come into Office; and such Estimate or Valuation so examined, whether the same shall be amended or not, shall (before such Commissioners so coming into Office shall proceed to impose or levy any Assessment) be submited to Inspection in like Manner as is herein-before directed with respect to the original Estimate; and the like Notification of Time and Place or Places for Inspection thereof shall be given, and it shall be lawful for all Persons thinking themselves aggrieved to appeal against such Estimate in like Time and Manner as is herein-before directed with respect to such Estimate or Valuation when originally made; and such Estimate or Valuation as finally settled on such Appeal, or in case the same shall not be appealed against, shall be conclusive during the Continuance in Office of the Commissioners by whom it shall have been so examined and settled, and no longer.

Commissioners upon their Election to make an Estimate of the Expences attending the Execution of the Act for the ensuing Year, and impose Rate for defraying the same.

Scale of Rates.

XXXVIII. And be it further enacted, That the Commissioners first elected to carry this Act into Execution in any City, Town Corporate, Borough, Market Town or other Town, shall with all convenient Speed after the Election proceed to make an Estimate of the Expences and Charges attendant upon carrying the Purposes of this Act into Effect, until the Thirty-first Day of *July* then next ensuing, and shall fix, ascertain, and impose certain Rates and Assessments for defraying the same, to be applotted upon and to be raised and levied from and off the Owners, Occupiers, or Tenants of all Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, as determined by the said Commissioners; (that is to say), on the Owners, Occupiers, and Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (as computed under the Valuation herein-before directed to be made,) of Five Pounds, and not amounting to Ten Pounds, One or more

Rate or Rates not exceeding in the whole the Amount of Sixpence in the Pound of such yearly Value; on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Ten Pounds, and not amounting to Twenty Pounds, One or more Rate or Rates not exceeding in the whole Nine-pence in the Pound of such yearly Value; and on the Owners, Occupiers, or Tenants of all such Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements of the yearly Value (computed as aforesaid) of Twenty Pounds or upwards, One or more Rate or Rates not exceeding in the whole One Shilling in the Pound of such yearly Value; and that each individual House, Shop, Warehouse, Cellar, Mill, Yard, Garden, and Tenement shall be separately rated, without reference to or including in the Applotment of such Rate any other House, Shop, Cellar, Warehouse, Mill, Yard, Garden, or Tenement belonging to or occupied by the same Person; provided that all contiguous Houses, Shops, Cellars, Warehouses, Mills, Yards, Gardens, and Tenements occupied by one and the same Person or by the same Persons, and forming One entire Concern or undivided Tenancy or Holding, shall be rated together and not separately.

Each House, &c. to be rated separately, unless One Concern.

Relative Proportion of Rates.

XXXIX. Provided always, and be it further enacted, That the Rate which shall be at any Time imposed under this Act upon Premises of the Value of Five Pounds and not exceeding Ten Pounds, shall be equal to Two Thirds of the Rate at the same Time imposed upon Premises of the Value of Ten Pounds and not exceeding Twenty Pounds, and shall be equal to One Half of the Rate at the same Time imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that the Rate to be imposed upon Premises of the yearly Value of Ten Pounds and not exceeding Twenty Pounds, shall be equal to Three Fourths of the Rate imposed upon Premises of the yearly Value of Twenty Pounds or upwards; and that it shall not be lawful to or for such Commissioners to impose and levy any such Rate for or in respect of any Premises situate beyond the Limits to which the lighting, paving, watching, and cleansing by this Act provided shall extend; and that all Premises under the yearly Value of Five Pounds, as computed under the Valuation afore-mentioned, shall be exempt from any and every such Assessment.

Rates not to extend beyond the Limits, nor to affect Premises under 5*l.* of yearly Value.

Manner of proceeding in the Collection of the Rates.

XL. And be it further enacted, That such first elected Commissioners having determined upon and imposed such first Assessment and Applotment, shall issue Orders to their Collector or Collectors to collect such Rates as aforesaid; and such Collector or Collectors, and each of them, shall be furnished with a written Warrant or Order empowering him or them in that Behalf, subscribed by the Chairman and Clerk of the Commissioners for the Time being, and shall also be furnished with a Copy of such Applotment, or such Part thereof as shall be requisite for any such Collector, respectively attested by the Signatures of the Chairman and Clerk of the Commissioners for the Time being, and every such Collector shall, if so required, exhibit such Warrant and Copy of Applotment upon demanding the Sum applotted; and such Collector or Collectors, on receiving the Sum

applotted, shall give a Receipt for the same, and such Receipt shall be to the Party holding the same a full Acquittance and Discharge for the Sum expressed therein to have been received; and every such Collector shall proceed with all due Diligence, after receiving such Warrant and Copy of Applotment, to collect and levy the Monies assessed upon the said several Premises, and shall make Demand of the same, upon the Premises chargeable, of and from any Person found thereon in Occupation of the Whole or Part; and if no Person so occupying be found thereon, then and in such Case such Collector shall make Demand of the Monies so assessed at the Dwelling House of the Party chargeable for and in respect of such Premises, if such Person reside within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof; and if such Person do not reside therein, and if no Person be found in Occupation of the Premises chargeable, then and in such Case such Collector shall affix on some Part of such Premises a Notice, bearing Date the Day and Year of affixing the same, subscribed with the Name and Abode of the Collector affixing the same, requiring Payment of the Sum applotted within Fourteen Days from the Date of such Notice; and in case upon making Demand of the Sum applotted as before directed, either from any Person found in Occupation of the Whole or Part of the Premises rated, or at the Dwelling House of the Party chargeable, the Sum demanded be not paid, such Collector shall deliver to such Person, or shall leave at such Dwelling House, a Notice of the like Tenor and Purport, dated, subscribed, and expressed as aforesaid, and within the Fourteen Days specified in any such Notice the Money demanded may be paid to the said Collector at his House or Office; and if not paid within that Time, such Collector, or any other Collector duly authorized, shall make further Demand of the same upon the Premises chargeable, or at the Dwelling House of the Party chargeable, or shall affix a Notice of such second Demand upon some Part of the Premises chargeable, in like Manner as is herein-before required and directed in case of the first Demand of such Money; and if such Money be not paid to such Collector upon such second Demand, nor within Three Days after making the same, then such Collector may at any Time afterwards procure a Warrant, subscribed by the Chairman of the said Commissioners, which Warrant the said Chairman of the Commissioners is hereby authorized and required to grant, upon a Certificate, signed by the said Collector or Collectors, of such Demands having been made, and such Notices having been given or affixed, and such Money remaining unpaid, and it shall be lawful for such Collector, by virtue of such Warrant, and such Collector is hereby authorized and empowered, to enter upon the Premises chargeable, and to seize and distrain the Goods and Chattels of any Person whomsoever which he can find thereon; and if no sufficient Distress can be found thereon, then to seize and distrain the Goods and Chattels of the Party chargeable for and in respect of such Premises wheresoever the same can be found; and for that Purpose to enter any Dwelling House or other House, Shop, Warehouse, or other Tenement within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties aforesaid, belonging to such Party; and if the Sum charged be not paid within Fourteen Days from such Seizure, together with

the Costs of Distress, it shall be lawful for such Collector to sell the Goods so seized by public Cant or Auction for such Sum and Costs, such Costs to be set forth and specified in the Warrant authorizing such Distress; and the Overplus, if any, shall be paid to the Party distrained, or his Representatives.

Occupiers chargeable with Rates.

XLI. And be it further enacted, That the immediate Tenant or Occupier, or Tenants or Occupiers, of any Premises charged with any Assessment or Applotment under this Act, shall be deemed chargeable with and liable to every Assessment or Applotment made and imposed in respect of the same; provided that if any Premises or any Part thereof be tenanted or occupied by the Month or any shorter Period, it shall be lawful for any Person so holding or occupying, and such Person is hereby authorized and empowered, (any special Covenant or Agreement to the contrary notwithstanding,) to deduct from out of the Rent paid or payable by such Person, for and in respect of such Holding, Tenancy, or Occupation, any Sum or Sums paid or levied by or from such Persons for or in respect of any such Assessment, such Person producing the Receipt for such Sum or Sums subscribed as before directed by the Collector receiving the same.

Premises shall remain at all Times chargeable; and Parties paying may recover against former Parties rated.

XLII. And be it further enacted, That if no sufficient Distress can be found on the Premises chargeable, and if the Sum or Sums assessed or charged or applotted upon or in respect of any Premises be not otherwise paid or satisfied, the Premises for or in respect of which such Sum or Sums shall have been charged shall remain at all Times chargeable with the same, into the Hands of whatsoever Person or Persons such Premises may come or fall; and so soon as at any Time sufficient Distress can be met with thereon, it shall be lawful for any such Collector or Collectors to enter upon such Premises, and to distrain any Goods or Chattels therein or thereon, and to levy all Arrears of Rates and Assessments, with all Costs, at any Time previous accrued or incurred for and in respect of such Premises: Provided always, that it shall and may be lawful for any Person or Persons, on whose Goods or Chattels such Arrears and Costs may be levied by Action at Law or otherwise, to recover of and from the Person or Persons, or his or their Representatives, primarily chargeable with the same, and during whose Tenancy or Holding or Enjoyment of such Premises the same may have accrued, the full Amount thereof, together with full Costs and Damages for the Injury sustained by such Levy as aforesaid.

Future Commissioners, after 1st of August in each Year, to make an Estimate and Assessment.

XLIII. And be it further enacted, That so soon as conveniently may be after the First Day of *August* in every Year, the Commissioners for the Time being for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, shall estimate the Charges, Costs, and Expences of carrying the Purposes of this Act into Effect during the ensuing Year, and shall, for the Purpose of defraying such Charges, Costs, and Expences, direct any Rates, Assessments, and Applotments to be made, and shall impose, collect, and levy all such Rates, Assessments, and Applotments, and Sums of Money, in the like Manner and subject to the same Restrictions and

Regulations,

Regulations, and in the same Proportions, as any Assessments, Applotments, Rates, and Sums of Money are directed to be made and levied by the first-elected Commissioners.

Surplus of any preceding Year shall be applied to succeeding Year, and preceding Deficiencies may be supplied.

XLIV. And be it further enacted, That any Surplus or redundant Funds which may remain after defraying the Expences of any preceding Year, shall and may be applied towards defraying the Expences of a succeeding Year; and that any Deficiency of Funds on the Expenditure of a preceding Year, shall and may be made good and supplied out of the Monies raised in a succeeding Year; provided that such Monies raised in such succeeding Year shall not exceed the several Amounts herein-before authorized to be raised or assessed within any One Year, unless in the Case of an extraordinary Assessment to be made pursuant to the Powers herein-after reserved, mentioned, and contained.

An extraordinary Assessment may be levied once in any Year, if recommended by Two Thirds of all the Commissioners, and sanctioned by a Meeting of Persons subject thereto.

XLV. And be it further enacted, That in case it should happen that the Sums to be raised in any City, Town Corporate, Borough, Market Town or other Town, by the Rates of this Act herein-before authorized to be levied, should be deemed insufficient within any one Year, and if Two Thirds of all the Commissioners for the Time being elected for the Execution of this Act in such City, Town Corporate, Borough, Market Town or other Town, at a Meeting of such Commissioners, should be of Opinion than an extraordinary Rate or Assessment should be made and levied for the Purposes of this Act, to an Amount to be specified in a Resolution of such Commissioners, then and in such Case it shall and may be lawful for the Chairman of such Commissioners for the Time being, and he is hereby required, to appoint and convene a Special Meeting of all Persons in such City, Town Corporate, Borough, Market Town or other Town, subject to the Assessment under this Act, and duly registered as by this Act is before directed, and such Meeting shall be convened within such Time and shall be conducted in such Manner, and the Time and Place of the same shall be notified in like Manner as is herein-before directed with regard to any Triennial Meeting herein-before appointed to be convened by the Chairman of any such Commissioners; and at such Meeting such Chairman shall cause the Resolution adopted as aforesaid by Two Thirds of such Commissioners to be read, and shall require such Meeting to determine by Majority of Voices whether such Resolution of such Commissioners shall be affirmed or negatived; and if at such Special Meeting of Persons subject to Assessment as aforesaid, such Resolution of such Commissioners shall be affirmed or agreed to, either to the Amount specified in such Resolution or to any less Amount, then and in such Case it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to levy such extraordinary Assessment to such Amount as shall be so affirmed or agreed to, together with or in addition to the ordinary Assessment or Assessments, any thing herein-before contained to the contrary notwithstanding; and all the Powers, Duties, and Authorities by this Act given, created, or conferred, and the Regulations and Proportions ordained for the raising or levying any ordinary Assessment, shall be good, valid, obligatory, and effectual towards the

levying and raising of such extraordinary Assessment; provided that such Resolution, so affirmed or agreed to, shall not be held or construed to extend the Limits or to raise the Amount of the ordinary Assessment made or to be made in or for any subsequent Year; and if such Meeting of the Persons subject to such Assessment shall wholly negative such Resolution of such Commissioners, then and in such Case such Meeting shall adjourn *sine Die*, and it shall not be competent for such Commissioners, at any Time within One Year from the Day of such Adjournment, to propose or adopt any Resolution for any such extraordinary Assessment, nor for the Chairman of such Commissioners to convene any such Meeting of the Persons subject to Assessment, as herein-before directed, nor in any Manner to impose or levy any Assessment other than the ordinary annual Assessment, nor otherwise than subject to the Limitations herein-before appointed to be observed in such ordinary annual Assessment: Provided also, that upon and after the Expiration of such Year, it shall and may be competent for such Commissioners to propose and to adopt such Resolution, and thereupon to convene such Meeting, and to proceed thereat in manner herein-before directed, and so on for ever *toties quoties*.

Streets, &c. to be lighted by Gas or Oil, by Contract or otherwise.

XLVI. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to direct and cause the several Streets, Squares, Lanes, and Passages within such City, Town Corporate, Borough, Market Town or other Town, to be lighted in such Manner as such Commissioners shall judge proper, either with Oil or Gas, and to contract with any Company or Companies of Proprietors, or any Body Corporate, or any other Person or Persons for that Purpose; and also to order Lamp Posts to be erected in the Streets, and Lamp Irons to be fixed on the Walls of Houses and other Buildings, and from Time to Time to alter and remove the same, as such Commissioners shall judge proper.

And to be watched.

XLVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to appoint a sufficient Number of able Watchmen, to keep watch within any such City, Town Corporate, Borough, or Market Town, or the Suburbs and Liberties thereof, and to appoint and pay proper Salaries and Wages for such Watchmen, and to provide proper Watch-houses, and all necessary Articles for such watching, and to appoint the Times of Watch, and the Stations and the Duties of the several Watchmen, and to fine and dismiss any such Watchmen at the Pleasure of such Commissioners.

Powers of Watchmen.

XLVIII. And be it further enacted, That it shall be lawful for such Watchmen, and they are hereby authorized and empowered, to apprehend all such idle and disorderly Persons as they or any of them shall find committing any Breach of the Peace during the Night, or making any improper Noise or Disturbance, and to detain such Persons till Morning, and then to carry such Person or Persons

before any of His Majesty's Justices of the Peace for the Borough, City, Town, or Place in which such Person or Persons shall have been apprehended, to be dealt with according to Law.

Penalty for harbouring Watchmen during the Hours of Duty.

XLIX. And be it further enacted, That if any Victualler, Publican, or other Person or Persons selling Spirituous Liquors, shall entertain or harbour in his or her or their House any Watchmen appointed under this Act, during such Watchman's appointed Hours of Duty, every such Victualler, Publican, or other Person shall forfeit for such Offence any Sum not exceeding Twenty Shillings.

Streets, &c. to be cleansed.

L. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, to employ or contract with Scavengers to cleanse and sweep and water the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof; and to direct in what Manner and how often the said Streets, Squares, Lanes, and Passages shall be swept and cleansed and watered, and to provide all necessary Articles for such Purposes.

Penalty on Persons carrying away Dirt, not duly authorized.

LI. And be it further enacted, That if any Person or Persons shall take or carry away any Dirt, Dung, Ashes, or Soil out of any of the said Streets, Squares, Lanes, and Passages, other than the Scavengers or other Persons authorized so to do by the said Commissioners as before-mentioned, every such Person shall for such Offence forfeit a Sum not exceeding Twenty Shillings.

Streets to be paved, and if formerly repaired as a Turnpike or Presentment Road, may be put under Commissioners for this Act.

LII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in any City, Town Corporate, Borough, Market Town or other Town, and they are hereby authorized and empowered, to employ or contract with any Person or Persons to pave, flag, maintain, and keep in order the Streets, Squares, Lanes, and Passages within any such City, Town Corporate, Borough, Market Town or other Town, and the Suburbs or Liberties thereof as aforesaid, in such Manner as such Commissioners shall direct, and to provide all necessary Articles for the said Purpose; and any Street forming Part of a Road running through any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid, which may at any Time before the Appointment of such Commissioners have been paved, maintained, or repaired as Part of such Road by any Board of Turnpike Commissioners or Trustees, or by Grand Jury Presentment, or by any other Body or Person or Persons, or in any other Manner whatsoever, shall and may, from and after the Appointment of Commissioners for the Execution of this Act in any such City, Town Corporate, Borough, Market Town or other Town, be paved, maintained, and repaired only by such Commissioners, if such Commissioners shall think fit so to determine and require: Provided that nothing herein contained shall extend or be construed to exonerate any such Turnpike Commissioners or Trustees, or any other Body or Person or Persons whatsoever, from his or their Duty or Obligation to maintain and

and repair such Street or Road, unless such Commissioners shall desire to take upon themselves such Duty or Obligation; and in such Case such Commissioners shall become liable in like Manner as the Party or Parties originally liable to such Duty or Obligation, and shall in like Manner answer for and be punishable for any Default in the Discharge or Observance of such Duty or Obligation.

Wells, Pumps, &c. to be dug and made.

LIII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause Wells to be dug, and Pipes to be laid, and Pumps to be erected in any Streets, Squares, Lanes, and Passages of any City, Town Corporate, Borough, Market Town or other Town, as such Commissioners shall think most advantageous for supplying Water to the Inhabitants; and also to make and maintain, or cause to be made and maintained, Fire Plugs for extinguishing Fire.

Sewers, Drains, &c. to be made, and Fire Engines kept.

LIV. And be it further enacted, That it shall and may be lawful for such Commissioners, and they are hereby authorized and empowered, to make or cause to be made Common Sewers, Drains, and Watercourses, and the same from Time to Time to repair and cleanse, and to purchase One or more Fire Engine or Engines, with all necessary Apparatus, and to name and appoint, during Pleasure, or to contract with a proper Person or Persons to take charge of such Engine or Engines, with such Number of Persons as may be necessary to work such Engine or Engines, with such Salaries and Allowances, and under such Regulations, as such Commissioners shall judge proper, and to hire or rent any convenient House or Houses for keeping such Engine or Engines.

Drains, &c. to be cleansed under the Inspection of the Commissioners.

LV. And be it further enacted, That all private Drains or Sewers within any such City, Borough, or Town, issuing into any public Drain or Sewer, shall, when and as the said Commissioners shall require, be repaired or cleansed under the Inspection and Direction of any Person thereto authorized or appointed by the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Premises to which the said private Sewers or Drains may belong.

Streets, &c. to be named, and Houses numbered.

LVI. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause the said Streets, Squares, Lanes, and Passages to be named, and the Name of each to be painted or otherwise inscribed at or near the End or Corner thereof; and also to cause the Houses, Buildings, Shops, and Warehouses to be numbered, and the Figures denoting the Numbers to be painted on the Doors.

Cellar Stairs or other Nuisances to be closed or removed.

LVII. And be it further enacted, That it shall be lawful for such Commissioners, and they are hereby authorized and empowered, to cause any Penthouse, Bow Window, Sign or Sign Post, or Irons or Fences, or Grates, or any Cellar or other underground Apartment, or any Stairs or Opening into such Apartment, or any other Thing encroaching upon or projecting into any Street, Lane, Square, or Passage,

Passage, which may seem dangerous to Passengers, to be removed, altered, closed up, or grated over, or otherwise sufficiently secured; and for such Purposes it shall be lawful for such Commissioners to require any Alteration to be made, in such Manner as they may deem fit, and within such Time as they shall appoint, by written Order, signifying their Desire in such respect, and subscribed by the Chairman and Clerk of the Commissioners for the Time being, issued and expressed to be issued pursuant to a Resolution adopted at a Meeting of such Commissioners, and delivered to the Occupier of the Premises causing such Encroachment, if the same be occupied, and if not occupied, then and in such Case to the Owner of such Premises, if resident within the same City, Town Corporate, Borough, or Town, and if not resident within the same, and if the Premises be unoccupied, then and in such Case affixed on some Part of the same Premises; and if any such Alteration shall not be made, done, or performed agreeably to such Order, within the Time therein specified, it shall be lawful for such Commissioners to cause the same to be made, done, and performed, and to levy the Expences thereof, together with the Costs of Distress, upon any Goods and Chattels found upon such Premises, or upon the Goods and Chattels of the Owner wheresoever found; and every such Distress shall be made in like Manner as by this Act is directed in the Case of Distress for Assessments remaining unpaid, and with and subject to the like Powers and Regulations.

Commissioners may break up or open Streets, Roads, &c.

LVIII. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, in any City, Borough, Town Corporate, Market Town or other Town, and they are hereby authorized and empowered, so often as to them may seem fit, to break up or open, or by Warrant, subscribed by the Chairman and Clerk of the Commissioners for the Time being, to authorize any Person or Persons with whom they shall or may contract to break up or open any Street, Square, Lane, or Passage within any such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs and Liberties thereof as aforesaid, for the Purpose of laying Pipes or digging Wells, or any other of the Purposes of this Act, notwithstanding any such Street, Square, Lane, or Passage may form Part of a Turnpike Road or County Road: Provided that such Commissioners shall and they are hereby required to cause such Holes and Openings to be properly secured and fenced at Night, and Lights set up thereby, so as to warn Passengers and prevent Accidents.

Footways to be cleansed.

LIX. And be it enacted, That it shall and may be lawful for the Commissioners acting in Execution of this Act, in any City, Borough, or Town, if they shall so think fit, to direct and require the respective Owners and Occupiers of all Houses or other Buildings or Premises abutting upon any of the Streets, Squares, Lanes, or Passages within such City, Borough, or Town, so often, and at such Times, and at and under any such Penalty as to the said Commissioners shall seem meet, not exceeding Two Shillings for each Default, to cause the Footways or Foot Pavements to be well and sufficiently swept and

cleansed before, behind, and on the Sides of the same, as the Situation thereof shall require, and the Dirt and Soil arising from such sweeping and cleansing to be collected and put together in such Place and Manner as to the said Commissioners shall seem meet; and the said Commissioners, if they shall think fit to establish such Order and Regulation, shall cause the same to be publicly notified in manner herein-before appointed for the Notification of the Election of Commissioners under this Act.

Commissioners liable for Nuisances from Gas Works.

LX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment, Action, or otherwise, against any such Commissioners, their Officers, Servants, or Workmen, or any Body Politic or Corporate, for or in respect of any Nuisance or Injury arising from or occasioned by Gas Works.

Expences of lighting, &c. to be defrayed out of Funds arising from Assessment.

LXI. And be it further enacted, That the Expences of Printing, Stationery, Coals and Candles, for the Purposes of this Act, and all Expences of lighting, watching, cleansing, and paving, of digging Wells, laying Pipes, and erecting Pumps, of making and maintaining Fire Plugs, and making Sewers, Drains, and Watercourses, of purchasing Fire Engines and employing Workmen, and of renting Offices for the Transaction of Business, or Houses for keeping Fire Engines, and of naming the Streets, Squares, Lanes, and Passages, and numbering the Houses, Buildings, Shops, Warehouses, and all other Costs and Charges of providing the necessary Articles for all and every of the aforesaid Purposes, and relating to all other Things which under this Act any Commissioners for the Execution of this Act are directed or empowered to do in any City, Town Corporate, Borough, Market Town or other Town, shall be paid out of any Rates, Assessments, and Sums of Money authorized to be raised and levied under this Act in any City, Town Corporate, Borough, Market Town or other Town, respectively, and from the other Funds by this Act directed to be applied to such Expences: Provided always, that such Rates, Assessments, Monies, and Funds, or any Part thereof, shall not be applied to defray or satisfy any Penalties to which any such Commissioners may render themselves liable, or any Damages or Costs which may be recovered against and incurred by any such Commissioners in any Suit or Process at Law or Equity whatsoever, for or by reason of any wilful Misfeasance or Malfeasance on the Part of any such Commissioners.

Property of Pavements, &c. vested in the Commissioners.

LXII. And be it further enacted, That the Property of all Pavements, Flags, Lamps, Wells, Buckets, Pipes, Pumps, Fire Plugs, Fire Engines, and any and every other Material, Article, or Thing purchased or paid for by any Monies applicable to the Purposes of this Act, shall be vested in the Commissioners for the Time being for the carrying this Act into Execution in any City, Town Corporate, Borough, Market Town, or other Town respectively; and it shall be lawful for such Commissioners to bring Actions or prefer Indictments against any Person stealing or carrying away or injuring any such Articles, Matters, or Things, stating the Property to be in such Com-

missioners by virtue of this Act; and no Change made or happening in or among the Persons composing any Body of Commissioners shall in any Action, Indictment, or other Civil or Criminal Proceeding whatsoever, by, for, or on behalf of or against or concerning the said Commissioners or their Property, abate, or otherwise stay, delay, or affect any such Action, Indictment, or Proceeding.

Penalties for Injury or Damage, &c. to Works, &c. made under this Act.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully injure, damage, or destroy any Watch-house or Watchbox, or any Lamp, Lamp Iron, or Lamp Post, or any Well, Pipe, Spring, Pump, Watercourse, Fire Plug, Sewer, Drain, or Fire Engine, or shall wantonly extinguish any Lamp or Lamps, or shall tear up the Pavement or Flagway in any Street, Square, Lane, or Passage within any City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof, in which this Act shall be carried into Execution, or shall in any other Manner wilfully damage, injure, or destroy any Article or Material, Matter or Thing employed for effectuating the Purposes of this Act, or any Work which any Commissioners for the Execution of this Act may undertake for such Purposes, or any of them, it shall and may be lawful for any Person or Persons to apprehend and detain any and every such Offender, until such Offender can be carried before any Justice of the Peace; and every Person so offending, being convicted of such Offence before such Justice, shall for the First Offence forfeit a Sum not exceeding Five Pounds, and for the Second Offence a Sum not exceeding Ten Pounds, and for the Third and every subsequent Offence a Sum not exceeding Fifteen Pounds; provided that the levying any such Penalty shall be no Bar to any Action at the Suit of the said Commissioners.

For preventing Nuisances.

LXIV. And be it enacted, That every Person who shall commit or be guilty of any of the Offences herein-after specified in any City, Borough, or Town, in which this Act shall be carried into Execution, shall be subject and liable to such Penalties as are herein-after specified and set forth; that is to say, if any Person shall, in or upon any Way used or appointed to be used as a Footway only, in any such City, Borough, or Town, draw, drive, or carry any Truck, Sledge, Wheelbarrow, Bier, or other Carriage, except directly across such Footway on necessary Occasions, or shall lead, ride, or drive on any such Footway any Horse or other Beast, except directly across the same as aforesaid, or shall suffer to stand or shall tie or fasten any Horse or other Beast on or across the same; or shall, in or on any of the Streets, Squares, Lanes, or Passages within any such City, Borough, or Town set up any Stall or Table, or erect any Shade or Awning, or expose any Goods or Wares for Sale, or place or leave therein or thereon any thing whatsoever, so as to create any Impediment or Annoyance to the free Passage thereof, and shall not remove the same when thereunto required by any Person whomsoever; or shall, in or on any of such Streets, Squares, Lanes, or Passages, ride or drive any Horse or other Animal in a furious and improper Manner; or shall thereon drive or suffer to proceed any Cart, Waggon, or other Carriage, without some Person leading or guiding with Reins the Horse or Horses yoked thereunto;

unto; or shall leave or suffer to remain in any of such Streets, Squares, Lanes, or Passages any Cart, Waggon, or other Carriage, with any Horse or Horses, or other Cattle or Animal being yoked thereunto, without a proper Person to take Charge of the same; or shall place or leave in or on any of such Streets, Squares, Lanes, and Passages, in such a Manner as to obstruct or endanger the Passage thereof, any Cart, Waggon, or other Carriage; or shall shew or expose any Stallion or Stone Horse kept for the Purpose of being let to Mares, except in such Place or Places as the Commissioners for the Execution of this Act shall appoint, and except in directly proceeding to and returning from such Place; or shall in or on any Cart, Waggon, or other Carriage, carry or convey any Timber, Iron, or other Thing, in such a Manner as to protrude Two Feet beyond the Wheel of such Cart, Waggon, or other Carriage; or shall, in or on any of such Streets, Squares, Lanes, and Passages, place or leave any Mortar, Lime, Sand, Bricks, Stones, Timber, or other Materials for building, or shall sift or screen any Lime, Sand, or other Thing, such Mortar or other Thing being so placed or left, or such Sifting or Screening being without the Permission of the Commissioners for the Execution of this Act, or not so defended and enclosed within a Frail or otherwise, and in conformity to such Regulations as such Commissioners at their Discretion shall impose, and which they are hereby authorized to impose; or shall cast or leave any Dung, Dirt, Rubbish, or other Thing, or suffer to flow or fall from any Slaughter House, Soap House, Tan Yard, or other Yard or Premises, any Muck, Mire, Blood, or other noisome Matter in or upon such Streets, Squares, Lanes, and Passages, except only in such Manner and in such Place or Places as such Commissioners shall direct and appoint or allow; or shall, in any of such Streets, Lanes, and Passages, kill or slaughter or scald and dress any Animal for Meat; or shall, in any of such Streets, Lanes, or Passages, play at Bullets or Quoits, or other dangerous Game, to the Annoyance or Obstruction of Passengers; or shall make any Bonfire, or let off any Fire Works or Squibs, or unnecessarily and wantonly discharge any Fire Arms; or if any Person shall do or commit any Act, or shall leave or place or set up any Material or Thing whatever, which shall cause or create any Impediment, Obstruction, Nuisance, Danger, or Annoyance in or to the free Passage of such Streets, Squares, Lanes, or Passages; every such Person shall for the First Time of committing such Offence forfeit and pay a Sum not exceeding Twenty Shillings and not less than Five Shillings, and for the Second Time of committing any such Offence shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings, and for the Third or any subsequent Time of committing any such Offence shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings: Provided always, that every such Offence shall be deemed to be a First Offence in all Cases, unless the same shall be proved to have been committed within One Calendar Month next after some such former Offence of the same Nature and Quality.

Not to prevent the exposing of

LXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder

hinder any Person or Persons from selling or exposing to Sale any Horse, Beast, or other Cattle, or from placing any Stool, Bench, Stall, or Booth for the Sale of Goods and Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or other Goods, Wares, and Merchandizes whatsoever, in the usual and accustomed Market or other Place or Places within any such City, Borough, or Town, or in the usual Places of holding public Fairs, on the usual Days of such Market or Fairs; and that it shall and may be lawful for any Person to leave on any Quay, Wharf, or other Place any Timber, Flax, Seed, Bales, or Goods, Wares, Merchandizes, for such Time as the Commissioners for the Execution of this Act shall appoint and allow, and which they are hereby authorized and empowered to appoint and allow, so as the same be disposed and piled in such Manner as the said Commissioners shall direct, and so as from Sun-set till Sun-rise sufficient Lights be placed on such Timber or other Thing, so as to warn Passengers and prevent Accidents.

Goods for Sale in Markets or Places of holding Fairs, &c.

LXVI. And be it further enacted, That if any Horse, Cow, Swine, or other Beast shall be found wandering or straying in or about any Streets, Squares, Lanes, and Passages in any City or Borough or Town in which this Act shall be carried into Execution, it shall and may be lawful for any Person whatsoever to impound such Horse, Cow, Swine, or other Beast in the nearest Common Pound, and the Owner thereof shall for every such Beast so found wandering or straying as aforesaid forfeit a Sum not exceeding Five Shillings, together with the reasonable Charges of impounding and keeping such Beast; and such Beast shall be detained until the said Penalty and Charges shall be paid; and if the same be not paid within Seven Days after such Beast shall be impounded, it shall be lawful for any Justice of Peace acting in or for the County or Place within which such Pound shall be situate, upon the Application of the Person who shall have impounded such Beast, to appoint and notify by public Advertisement, and otherwise as to such Justice shall seem meet, a Time and Place for the Sale of such Beast, and such Time shall be not sooner than Fourteen Days from the Date of the first Notification thereof, and at the Time so appointed and notified such Beast shall be sold by public Auction, unless the said Penalty, with all the Costs and Charges of impounding and advertising such Beast, shall be then and thereupon paid; and the Money arising from such Sale shall be in the first Instance applied to the Payment of such Costs and Charges, and the Person who impounded such Beast shall thereout receive the Sum of Five Shillings, and the Residue of such Money shall be paid to the Treasurer of such Commissioners, to be by him paid, upon Application, to the Person whose Property such Beast shall appear to have been, and in default of and until such Application shall be applied to the Purposes of this Act.

Cattle found astray may be impounded, and the Owner thereof fined.

LXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Recovery and Application whereof are not before provided for) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace or Magistrate for the City,

Recovery of certain Penalties before One Justice of the Peace.

Town Corporate, or Borough in which such Penalty shall be incurred, or of any Justice for the County, District, or Division within which any Market Town or other Town in which such Penalty shall be incurred shall be situate, on Complaint to him for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation) of and concerning all or any such Offences, Matters, or Things, and to hear and determine the same; and the Overplus, if any, of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such City, Town Corporate, Borough, County, or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such City, Town Corporate, Borough, County, or Place, there to be kept to hard Labour, and to remain, without Bail or Mainprize, for any Term not exceeding One Calendar Month, if the Conviction be for a First Offence, and not exceeding Two Calendar Months, if the Conviction be for a Second Offence, and not exceeding Three Calendar Months, if the Conviction be for a Third or any subsequent Offence, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures, when so levied, shall be paid to the Person who shall sue or prosecute for the same, and the other Moiety shall be paid to the Treasurer or Clerk of the Commissioners for the Execution of this Act, to be applied to the Purposes of this Act, in the City, Town Corporate, Borough, Market Town or other Town, in which such Offence shall be committed, in such Manner as such Justice shall direct and appoint.

Application of Penalties.

Contracts by Commissioners not valid for more than Three Years;

LXVIII. And be it further enacted, That no Contract made by any Commissioners for the Execution of this Act shall be valid or binding for any longer Term than Three Years next after making the

the same, nor unless made under sealed Tenders and Proposals, delivered in such Manner as such Commissioners shall by public Advertisement openly appoint and notify; and that in case any such Commissioner, or the Treasurer or Clerk of such Commissioners, or any Joint Stock Company or Partnership of or in which such Commissioner, Treasurer, or Clerk is or shall be a Member or shall have any Interest, shall be or become a Party to such Contract, the same shall be voidable, at the Discretion of the Commissioners for the Time being.

if any Commissioner, &c. be a Party thereto, it shall be voidable.

LXIX. And be it further enacted, That if any Commissioner for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, or any Treasurer or Clerk of any such Commissioners, shall directly or indirectly contract with, or shall be or become in any Manner beneficially interested in any Contract made with, any Commissioner for the Execution of this Act, every such Commissioner, Treasurer, or Clerk shall thereupon be and become and is hereby declared to be disqualified from continuing to act in his Capacity of Commissioner, Treasurer, or Clerk, and the Place of any such Commissioner, Treasurer, or Clerk shall be declared vacant, and shall be supplied in such Manner as by this Act is directed in case of a Vacancy occasioned by any other Cause; and such Commissioner, Treasurer, or Clerk so offending as aforesaid shall forfeit the Sum of One hundred Pounds to any Person, being an Householder within such City, Town Corporate, Borough, Market Town or other Town, or the Suburbs or Liberties thereof as aforesaid, who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record, in which no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on any Commissioner, &c. being interested in any Contract.

LXX. Provided always, and be it enacted, That in case any Interest in any such Contract as aforesaid shall, by Devise, Succession, or Inheritance, become vested in or devolve upon any such Commissioner, Treasurer, or Clerk, and that he shall forthwith make Discovery of the same, such Contract shall not be thereupon liable to be avoided, nor such Forfeiture as aforesaid incurred, but the Party in or on whom such Interest shall vest or devolve shall be thereby disqualified as aforesaid, and his Place supplied accordingly.

Proviso as to Contracts devolving on any Commissioner, &c. by Devise, &c.

LXXI. And be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence under this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other to the same Effect; (that is to say,)

Form of Conviction.

'City, Borough, or Place, } BE it remembered, That on the
'to wit. } Day of in the Year of our
'Lord *A. B.*
'is convicted before me *C. D.*, one of His Majesty's Justices of the
'Peace for the said City, Borough, Town, or Place, by virtue of an Act
'made

'made in the Ninth Year of the Reign of King *George* the Fourth, 'intituled [*here set forth the Title of this Act*], of having [*here set forth* 'the *Offence*], and I do hereby adjudge that the said *A. B.* shall for 'the said Offence forfeit the Sum of

'. Given under my Hand and Seal this

'Day of

'in the Year of our Lord

'*C. D.* [L. S.]'

And every such Justice is hereby required, in any Warrant of Committal issued in default of Payment of any such Penalty, to specify and set forth the Amount of such Penalty.

Penalty may be paid at any Time, and the Party released.

LXXII. Provided always, and be it enacted, That whenever any Fine or Penalty imposed upon or adjudged against any Offender by any Justice under this Act shall not be paid forthwith upon Conviction, and the Offender shall in default of such Payment be committed for any Term whatsoever, it shall and may be lawful for such Offender at any Time to make Payment of such Penalty, and such Offender shall then and upon such Payment be forthwith discharged out of Custody, notwithstanding the Term for which such Offender shall have been committed shall be then unexpired.

Appeal from Conviction of Justice to Sessions.

LXXIII. Provided always, and be it enacted, That it shall and may be lawful for any Person who shall think himself or herself aggrieved by the Judgment of any Justice of the Peace upon any Conviction had or made by virtue of this Act, to appeal to the Justices of the Peace at the next General Quarter Sessions to be holden for the City, Town Corporate, or Borough in which such Conviction shall have been made, or for the County or Riding in which any Place, not being a City, Town Corporate, or Borough, shall be situate; and such Person so appealing shall, before some Justice for such County, City, Town Corporate, Borough, or Place, enter into a Recognizance, with Two sufficient Sureties, conditioned in a Penalty of Double the Amount of the Fine or Penalty adjudged by such Conviction, to appear at such Sessions, and to abide the Hearing of such Appeal, and upon entering into such Recognizances such Person shall be forthwith discharged out of Custody; and it shall be lawful for the Justices at such Sessions, and they are hereby empowered and required, to hear and determine the Matter of such Appeal, and to make such Order therein as shall be agreeable to the Circumstances of the Case, and to award Costs at their Discretion against either Party; and in case such Justices shall adjudge the Party appealing to pay any Fine or Penalty or Costs, and such Party shall fail to pay the same, such Justices shall and may commit such Party for such Term as any Justice might have done in the like Case, and subject to the like Restrictions and Provisions as are herein-before contained in the Case of a Conviction or Committal by any such Justice.

Limitation of Actions.

LXXIV. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Commissioner or other Person or Persons for any thing done in pursuance of this

Act, until after Thirty Days Notice thereof shall be given to such Commissioner or other Person or Persons, nor after a sufficient Satisfaction of Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed; and every such Action, Suit, or Prosecution shall be laid or brought in the County, County of a City, or County of a Town where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action, Suit, or Prosecution shall and may plead generally Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for the Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make Cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress, by force of the Statute in that Case made and provided, without more particularly setting forth this Act or the Cause of making or detaining the said Distress, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done, or the Distress replevied made in pursuance of this Act, or that such Action or Suit shall have been brought before the Expiration of Thirty Days after Notice thereof given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, County of a City, or County of a Town than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or shall discontinue his or their Action, Suit, or Prosecution, after the Defendant or Defendants shall have appeared, or upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law.

Notice; Tender of Amends; Venue, &c.

LXXV. And be it further enacted, That in all Actions, Suits, Prosecutions, or Indictments brought by or against any Commissioner or Commissioners under this Act, he or they shall be sufficiently described as a Commissioner or Commissioners of the City (or Town or Borough, as the Case may be) of appointed by virtue of an Act made in the Ninth Year of the King *George* the Fourth, intituled [setting forth the Title of this Act].

Commissioners how to be described in Actions, &c.

LXXVI. And be it further enacted, That in all Actions, Suits, or legal Proceedings whatsoever, brought, commenced, or had by or against any Commissioner or Commissioners for the Execution of this Act in any City, Town Corporate, Borough, Market Town or other Town, concerning or in respect of any Matter, Act, or Thing done by virtue or under pretence of any Provisions of this Act contained, any

Inhabitants, though paying Rates, to be competent Witnesses.

Inhabitant of any such City, Town Corporate, Borough, or Market Town, or the Suburbs or Liberties thereof, shall be a good and competent Witness, although such Inhabitant shall or may pay or be liable to the Payment of any Rate, Assessment, or Sum or Sums of Money under this Act, or any of the Provisions therein contained.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXIII.

An Act to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto.

[25th *July* 1828.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to provide, until the First Day of* July *One thousand eight hundred and twenty-seven, and until the End of the next Session of Parliament, for the better Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto;* which said Act was continued until the Thirty-first Day of *December* One thousand eight hundred and twenty-nine, by an Act passed in the Seventh and Eighth Year of His Majesty's Reign: And whereas it is expedient to repeal the said Acts, and to make further Provision for the Administration of Justice in, and for the more effectual Government of His Majesty's Colonies and Settlements in *New South Wales* and *Van Diemen's Land* respectively: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty, His Heirs and Successors, by Charters or Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and establish Courts of Judicature in *New South Wales* and *Van Diemen's*

4 G. 4. c. 96.

His Majesty may establish Courts of Judicature in New South Wales and Van Diemen's Land.

Diemen's Land respectively, which shall be styled "The Supreme Court of *New South Wales*," and "The Supreme Court of *Van Diemen's Land*;" and that each of such Courts respectively shall be holden by One or more Judge or Judges, not exceeding Three, and shall have such ministerial or other Officers as shall be necessary for the Administration of Justice in the said Courts respectively, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and the said Judges shall from Time to Time be appointed by His Majesty, His Heirs and Successors; and the said ministerial and other Officers of the said Courts respectively shall from Time to Time be appointed to and removed from their respective Offices, in such Manner as His Majesty, His Heirs and Successors, shall by such Charters or Letters Patent as aforesaid direct; and the said Judges shall respectively be entitled to receive such reasonable Salaries as His Majesty, His Heirs and Successors, shall approve and direct, which Salaries shall be in lieu of all Fees or other Emoluments whatsoever; and it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time as Occasion may require, to remove and displace any such Judge, and in his Place and Stead to appoint another fit and proper Person: Provided that in case of the Absence, Resignation, or Death of any or either of the Judges of the said Courts in *New South Wales* or *Van Diemen's Land* respectively, or in case of any such Disease or Infirmity as shall render any such Judge incapable of discharging the Duties of his Office, it shall be lawful for the Governor of *New South Wales* or of *Van Diemen's Land* respectively to appoint some fit and proper Person to act in the Place and Stead of any Judge so being absent, resigning, dying, or becoming incapable, until such Judge shall return to the Execution of his Office, or until a Successor shall be appointed by His Majesty, as the Case may require; and in the meantime, until such Judge shall return as aforesaid, or a Successor shall be appointed, and shall actually enter on the Discharge of his Office in the said Courts respectively, the Person so to be appointed by such Governor as aforesaid shall to all Intents and Purposes be and be deemed and taken to be a Judge of the Court to which he may be so appointed.

Judges to be appointed by His Majesty.

Appointment and Removal of Officers of the Courts.

In case of Absence or Death of any of the Judges, the Governor may appoint a Successor pro tempore.

II. Provided always, and be it further enacted, That until His Majesty shall cause such Charters or Letters Patent to be issued as aforesaid, the Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, instituted by His Majesty's Letters Patent under the Great Seal, bearing Date respectively the Thirteenth Day of *October* in the Fourth Year of His Majesty's Reign, shall retain and exercise the several Jurisdictions and Powers in such Courts vested by His Majesty's said last-mentioned Letters Patent, so far as the same may not be altered by this Act, as fully and effectually as if such Courts respectively had been instituted in virtue and in pursuance of this Act; and the said Letters Patent, and all Orders, Acts, Matters, and Things made and done in pursuance of the Powers and Authorities vested in His Majesty in and by the said Act passed in the Fourth Year of the Reign of His present Majesty, shall be of the same Force and Effect as if the same had respectively been issued, made, done, and performed by virtue and in pursuance of this Act.

The Supreme Courts already constituted to continue until others are appointed.

III. And be it further enacted, That the said Courts respectively shall be Courts of Record, and shall have Cognizance of all Pleas, Civil, Criminal, or Mixed, and Jurisdiction in all Cases whatsoever, as fully and amply, to all Intents and Purposes, in *New South Wales* and *Van Diemen's Land* respectively, and all and every the Islands and Territories which now are or hereafter may be subject to or dependent upon the respective Governments thereof, as His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, at *Westminster*, or either of them, lawfully have or hath in *England;* and the said Courts respectively shall also be at all Times Courts of Oyer and Terminer and Gaol Delivery in and for *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively; and the said Judges so appointed shall have and exercise such and the like Jurisdiction and Authority in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, as the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, in *England*, or any of them, lawfully have and exercise, and as shall be necessary for carrying into Effect the several Jurisdictions, Powers, and Authorities committed to the said Courts respectively. Supreme Courts to be Courts of Record.

IV. And be it further enacted, That the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively shall and may inquire of, hear, and determine all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed or that shall be committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral hath Power, Authority, or Jurisdiction, or committed or that shall be committed in the Islands of *New Zealand*, *Otaheite*, or any other Island, Country, or Place situate in the *Indian* or *Pacific Oceans*, and not subject to His Majesty or to any *European* State or Power, by the Master or Crew of any *British* Ship or Vessel, or any of them, or by any *British* Subject sailing in or belonging to, or that shall have sailed in or belonged to, and have quitted any *British* Ship or Vessel, to live in any Part of the said Islands, Countries, or Places, or that shall be there living; and that all Persons convicted of any of the Offences so to be inquired of, heard, and determined in the said Courts respectively, shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case the same had been committed and were respectively inquired of, tried, heard, determined, and adjudged in *England;* any Law, Statute, or Usage to the contrary notwithstanding. Jurisdiction of Supreme Courts.

V. And be it further enacted, That until further Provision be made as herein-after directed for proceeding by Juries, all Crimes, Misdemeanors, and Offences, cognizable in the said Courts respectively, shall be prosecuted by Information, in the Name of His Majesty's Attorney General, or other Officer duly appointed for such Purpose by the Governor of *New South Wales* and *Van Diemen's Land* respectively; and all Issues of Fact joined on every such Information shall be tried by One or more of the respective Judges of the said Courts, and Seven Commissioned Officers of His Majesty's Sea or Land Forces, whether on Full or Half Pay; and such Officers shall from His Majesty's Attorney General may proceed by Information until Juries are constituted.

from Time to Time be nominated for the Purpose aforesaid by the Governor of *New South Wales* or *Van Diemen's Land* respectively; and the said Officers shall severally be liable to be challenged or objected to upon the special Ground of direct Interest or Affection, to be specified in open Court at the Time of Challenge; and in case of such Challenge or Objection being allowed by the Judge or Judges of the said Courts respectively, the Officer or Officers so challenged or objected to shall be succeeded by another such Officer or other such Officers as aforesaid, who shall in like Manner be nominated by the Governor as aforesaid, and be liable in the same Manner to Challenge or Objection, until Seven Officers shall appear duly qualified for the Trial of any Offender in the said Courts respectively; and the said Officers shall thereupon severally take and repeat in open Court the same Oath as is taken by Petit Jurors impannelled for the Trial of any Crime or Misdemeanor in any Court of Record in *England*, and shall return their Verdict in open Court, by the Mouth of the senior Officer serving on such Trial; and the Proceedings of the said Courts respectively shall be under the Controul and Direction of the respective Judges thereof; and all Matters of Law arising in the Course of any such Trial shall be determined by such Judges respectively; and the Judgment of the said Courts respectively shall be pronounced by them in the Manner by Law established on the Trial of Persons indicted in any Court of Record in *England*: Provided nevertheless, that if at the Time of the Meeting of the Supreme Court of *Van Diemen's Land* there should not be Seven Commissioned Officers of His Majesty's Sea or Land Forces within the Distance of Ten Miles from the Place of holding such Court, or in case of the Sickness of any such Officers, the Governor of *Van Diemen's Land* shall nominate such Magistrates of the said Island, or of any District or County of the said Island, as to him shall seem meet, to act on the Trial of such Crimes, Misdemeanors, or Offences as aforesaid, together with such and so many Commissioned Officers as aforesaid as may then be within such Distance as aforesaid, and competent to act upon such Trial, so as that there may in every Case be Seven Officers or Magistrates, or Seven Officers and Magistrates, for the Trial of the said Crimes, Misdemeanors, and Offences; and the Magistrates so to be appointed by the Governor of *Van Diemen's Land* shall be liable to be challenged or objected to in such and the same Manner, and shall, if necessary, be succeeded by some other Magistrates, to be nominated by the said Governor of the said Island, and shall severally take and repeat such Oath as is herein-before directed with respect to the said Commissioned Officers of His Majesty's Sea and Land Forces.

Any Person by Leave of the Courts may exhibit a Criminal Information.

VI. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons, by Leave of the said Supreme Courts respectively first had and obtained, to exhibit a Criminal Information against any other Person or Persons in the Name of the said Attorney General, or of such other Officer as aforesaid, for any Crime or Misdemeanor not punishable by Death, by him or her or them committed, or alleged to have been committed; and in granting any Rule for exhibiting any such Criminal Information the said Courts shall not be bound to require from the Parties or Party applying

ing for the same any exculpatory Affidavits, unless the Justice of the particular Case may to such Courts appear to require that such Affidavits should be first made; and any Information so exhibited as aforesaid by Leave of the Court shall be heard, tried, and determined in such and the same Manner in every respect as any other Informations are herein-before required to be heard, tried, and determined.

His Majesty may authorize Governors of New South Wales and Van Diemen's Land to convene Courts.

VII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by a Warrant or Warrants under His or Their Royal Sign Manual, at any Time hereafter to authorize the Governor of *New South Wales* or of *Van Diemen's Land* respectively for the Time being to convene a Court or Courts as often as Occasion may require, for the Trial of all Crimes and Misdemeanors committed within any Place or Places in *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, which, by any Order in Council for that Purpose issued or to be issued as after mentioned, hath been or shall be appointed for the Reception of transported Felons and other Offenders; which Court or Courts shall be of Record, and shall have and exercise all the Powers and Authorities incident and belonging to a Court of Record, and shall consist respectively of a Judge, to be appointed by His Majesty, His Heirs and Successors, and such and so many proper Persons, not fewer than Three or more than Five, as shall be appointed for such Purpose by such Governor, by Commission, to be duly made and executed under his Hand and Seal; and such Persons shall be sworn in such and the like Form, and the Verdict of the whole of such Persons shall be taken and recorded in such and the like Manner, and the Proceedings of the said last-mentioned Court or Courts shall be conducted, and the Judgments thereof pronounced by the Judge or Judges presiding at every such Trial, according to such and the like Law and Usage as is herein-before directed with respect to the Trial of Persons prosecuted before the said Supreme Courts of Judicature of *New South Wales* and *Van Diemen's Land* respectively; and in all Cases where the Offence charged against any Person tried before any such Court or Courts so to be established, in any such Place or Places as aforesaid, shall not be punishable with Death, the Judge or Judges of the said Court or Courts respectively shall and he and they is and are hereby authorized to adjudge the Offender to any corporal Punishment, not extending to Life or Limb, as the Circumstances of the Case may require: Provided always, that the Particulars and Grounds of every such Sentence shall in all Cases be made known by the Judge or Judges of the said last-mentioned Court or Courts respectively to the Governor of *New South Wales* or *Van Diemen's Land*, as the Case may be, for his Approbation.

How Issues shall be tried.

VIII. And be it further enacted, That in any Actions at Law to be brought in the said Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, whenever the Parties Plaintiff and Defendant in any such Action shall join Issue on any Matter of Fact, the Trial of such Issue or Issues shall be by One or more Judge or Judges of the said Courts respectively, and by Two Assessors, being Magistrates or Justices of the Peace in and for the said Colony, or some County or District thereof; and the said Magistrates shall be nominated

from Time to Time, for the Purpose aforesaid, by the Governor for the Time being of *New South Wales* and *Van Diemen's Land* respectively, and shall be liable to Challenge upon such and the same Grounds as may lawfully be alleged as Causes of Challenge against any Person impannelled as a Juror for the Trial of any Issue of Fact joined between the Parties in any Action depending in any of His Majesty's Courts of Record at *Westminster*, and such Challenges shall be made in open Court, and decided by the Judges of the said Supreme Courts respectively; and in case any such Challenge shall be allowed by the said Judges respectively, another Justice of the Peace shall be nominated in manner aforesaid, in the Place of the Justice against whom such Challenge shall have been so allowed, who may in like Manner be challenged, until Two Justices shall appear competent to act as Assessors of the Court upon the Trial of the said Issue or Issues of Fact; and the said Two Assessors shall thereupon severally take and repeat in open Court such and the same Oath as is taken by any Juror sworn upon the Trial of any Issue of Fact in any of His Majesty's said Courts of Record at *Westminster*; and the Judges of the said Supreme Court respectively presiding at any such Trial shall, together with the said Two Assessors, give their Verdict upon every such Issue or Issues of Fact as aforesaid; and in case any such Judge and Assessors cannot agree upon such Verdict, the Verdict of the major Part of them shall be taken, entered, and recorded as the Verdict of all: Provided always, that if either of the Parties Plaintiff and Defendant in any such Action shall be desirous of having any such Issue or Issues of Fact as aforesaid tried by a Jury, and shall apply for that Purpose to the said Supreme Courts respectively, then and in every such Case it shall be lawful for the said Courts respectively to award or to refuse a Trial by Jury, as the Justice of each particular Case may seem to such Courts to require; the Qualifications, Numbers, and Summonses of which Juries, and all other Rules for their Constitution and Proceeding, shall be fixed in each respective Colony by some General Law or Ordinance to be passed by the Governor thereof, with the Advice of his Legislative Council.

Persons to whom Offenders are assigned not to transfer them to other Persons without the Consent of the Governor.

IX. And whereas by a certain Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the Transportation of Offenders from* Great Britain, Provision is made for vesting in the Governor of the Colony to which Offenders may be transported, or to such other Person as therein mentioned, the Property in the Service of such Offenders, and it is expedient to make further Provision in that Behalf, so far as respects the said Colonies of *New South Wales* and *Van Diemen's Land*; be it further enacted, That any Offender who hath heretofore been or shall hereafter be assigned to any Person or Persons within the said Colonies respectively, under and in pursuance of the said Act, shall not, by any such Assignee or Assignees, be assigned over to any other Person or Persons, except with the written Consent and Licence of the Governors of such Colonies respectively; and that it shall and may be lawful for the Governors of the said Colonies respectively, from Time to Time, as to them shall seem meet, to revoke any such Assignments of Offenders as may have been or as shall hereafter be made in pursuance of the said Act,

and to grant to any Offender or Offenders transported to the said Colonies such temporary or partial Remissions of their Sentences as to such Governors may seem best adapted for the Reformation of such Offenders, and such temporary or partial Remissions from Time to Time to revoke and renew, as Occasion may require; any thing in the said Act, or in any other Act of Parliament, to the contrary in anywise notwithstanding.

Governors of New South Wales and Van Diemen's Land may be authorized to extend and apply the Form of proceeding by Grand or Petit Juries.

X. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order to be by Him or Them issued, with the Advice of His or Their Privy Council, at any Time or Times hereafter to authorize the Governor of *New South Wales* and *Van Diemen's Land* respectively, or either of them, with the Advice of the Legislative Council of the said Colonies respectively, or either of them, further to extend and apply the Form and Manner of proceeding by Grand and Petit Juries, or either of them, in the Presentment and Trial of all Crimes, Misdemeanors, Issues, Matters, and Things properly cognizable by Juries, in such Parts of the said Colonies and their Dependencies respectively, at such Times, and with, under, and subject to such Limitations, Modifications, and Rules in respect thereof, as to the said Governors and Councils respectively shall seem meet, and as shall from Time to Time be specified in any Law or Ordinance to be by them made in such Behalf; and whenever and so far as such Manner of proceeding by Juries shall from Time to Time be extended and applied as aforesaid, then the Form and Manner of proceeding herein-before directed, as well in the Prosecution of Offences as in the Trial of Issues, shall cease and determine.

Supreme Courts to be Courts of Equity.

XI. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Equity in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, and shall have Power and Authority to administer Justice, and to do, exercise, and perform all such Acts, Matters, and Things necessary for the due Execution of such equitable Jurisdiction, as the Lord High Chancellor of *Great Britain* can or lawfully may within the Realm of *England*, and all such Acts, Matters, and Things as can or may be done by the said Lord High Chancellor within the Realm of *England*, in the Exercise of the Common Law Jurisdiction to him belonging.

Supreme Courts to have Ecclesiastical Jurisdiction.

XII. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, such Ecclesiastical Jurisdiction and Authority as hath been or shall be committed to the said Supreme Courts respectively by His Majesty's said Charters or Letters Patent so issued or to be issued as aforesaid; provided that in all Cases where the Executor or Executors of any Will, upon being duly cited, shall refuse or neglect to take out Probate, or where the next of Kin shall be absent, and the Effects of the Deceased shall appear to the said Courts respectively to be exposed and liable to Waste, it shall be lawful for the said Courts respectively to authorize and empower the Registrar,

or

or other ministerial Officer of the said Supreme Courts respectively, to collect such Effects, and hold or deposit or invest the same in such Manner and Place, or upon such Security, and subject to such Orders and Directions as shall be made, either as applicable in all such Cases, or specially in any Case, by the said Courts respectively, in respect of the Custody, Controul, or Disposal thereof.

His Majesty may appoint Circuit Courts.

XIII. And be it further enacted, That it shall be lawful for His Majesty, by any such Charters or Letters Patent as aforesaid, or by any Order or Orders to be by Him made, with the Advice of His Privy Council, to institute Circuit Courts, at such Times, and in such Districts or Counties within the said respective Colonies, as shall from Time to Time be deemed necessary; and the said Circuit Courts shall be holden by any One Judge of the said Supreme Courts respectively, and shall have such ministerial Officers as His Majesty shall appoint or direct; and the said Circuit Courts shall be Courts of Record, and shall have Jurisdiction to hear and determine Crimes and Misdemeanors committed within the said Colonies respectively, and to try all Issues in Fact, and to inquire into and assess Damages in any Action at Law commenced in the said Supreme Courts respectively, and shall proceed in the like Form and Manner as the said Supreme Courts, and shall be and stand in the same relation to the said Supreme Courts as Courts of Oyer and Terminer and of Assize and Nisi Prius in *England* are and stand in relation to the King's Superior Courts of Record at *Westminster*.

How Evidence shall be taken on Trial of Issues.

XIV. And be it further enacted, That on the Trial of every Issue of Fact joined between the Parties in any Action at Law by this Act made cognizable in the said Supreme Courts, where the Sum or Matter at Issue shall exceed the Amount or Value of Five hundred Pounds Sterling, and where such Trial shall not be by a Jury, the Judges of the said Supreme Courts respectively presiding at any such Trial shall cause the Evidence to be taken down in Writing by the Clerk or other proper Officer of the said Supreme Courts respectively, and repeated in open Court to the Witnesses respectively giving the same, and the Evidence so taken and repeated shall be entered upon the Proceedings of the Court, and be of Record; and in every Case in which any Appeal to His Majesty in Council shall be made or allowed under the Provisions of this Act, Copies of all Documents and Papers which shall have been produced and given in Evidence at such Trial shall be certified by the said Clerk, or other proper Officer of the Court to be appointed for that Purpose, as authentic; and also Copies of any Documents and Papers which shall have been produced and tendered in Evidence, and rejected, shall, if required by the Party producing the same, be in like Manner authenticated, but marked by such Officer as aforesaid as rejected, in order that all such Copies may be annexed to the Record as Part thereof, in case of Appeal.

Appeal to His Majesty in Council.

XV. And be it further enacted, That it shall and may be lawful for His Majesty, by the said Charters or Letters Patent respectively, or by any Order or Orders of His Majesty in Council, to allow any Person or Persons feeling aggrieved by any Judgment, Decree, Order,

Order, or Sentence of the said Supreme Courts respectively, to appeal therefrom to His Majesty in Council, in such Manner, within such Time, and under and subject to such Rules, Regulations, and Limitations, as His Majesty, by any such Charters or Letters Patent, or Order or Orders in Council respectively, shall appoint and prescribe.

Judges of Supreme Courts may make Rules for regulating such Courts.

XVI. And be it further enacted, That it shall be lawful for the Judges of the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively to make and prescribe such Rules and Orders touching and concerning the Time and Place of holding the said Courts respectively, the Forms and Manner of proceeding, and the Practice and Pleadings upon all Indictments, Informations, Actions, Suits, and other Matters to be therein brought, the appointing of Commissioners to take Bail and examine Witnesses, the Form and Manner of Bail, the taking Examinations of Witnesses *de bene esse*, and allowing the same as Evidence, the granting of Probates of Wills and Letters of Administration, the Proceedings of the Sheriff and other ministerial Officers, the Process of Foreign Attachment, and all other the Process of the said Courts and the Mode of executing the same, the Admission of Attornies, Solicitors, and Barristers, the Fees, Poundage, or Perquisites to be lawfully demanded by any Officer, Attorney, or Solicitor in the said Courts respectively, and all other Matters and Things whatsoever, as to His Majesty, His Heirs and Successors, shall seem meet, for the Conduct of Business in the said Courts respectively, and as may be adapted to the Circumstances and Condition of the said Colonies; and such Rules and Orders from Time to Time to alter, amend, or revoke, as to His Majesty, His Heirs and Successors, shall seem requisite; and all Rules and Orders so to be made and prescribed as aforesaid shall be of such and the like Force and Effect as if the same had been inserted in this present Act: Provided always, that all such Rules and Orders shall be subject and liable to be disallowed by His Majesty, and upon such Disallowance being signified through the Governor or Acting Governor of the said Colonies respectively, the same shall become void and of no Effect.

Governors of New South Wales and Van Diemen's Land may appoint Courts of General and Quarter Sessions.

XVII. And be it further enacted, That it shall and may be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice and Consent of their respective Legislative Councils, to institute Courts of General and Quarter Sessions within the said Colonies, by Ordinances to be from Time to Time for that Purpose made and enacted as herein-after mentioned, and to give and grant to such Courts Power and Authority to take cognizance, in a summary Way, of all Crimes, Misdemeanors, and other Offences or Misconduct, not punishable by Death, which have been or shall be committed by any Felons or other Offenders who have been or shall be transported to the said Colonies respectively, and whose Sentences have not expired and have not been remitted; and also to give and grant to such Courts Power and Authority to take cognizance of all Matters and Things cognizable in Courts of General and Quarter Sessions in *England*, so far as the Circumstances and Condition of the said Colony shall require and admit: Provided always, that all

Crimes, Offences, and Misdemeanors, not committed by such Felons and other Offenders as aforesaid, shall be prosecuted and tried before the said Courts of General and Quarter Sessions respectively, in such and the same Manner, and subject to all such and the same Rules and Regulations in every respect, as are herein-before made and prescribed with respect to Trials before the said Supreme Courts respectively.

Governors may appoint Courts of Civil Jurisdiction.

XVIII. And be it further enacted, That it shall be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice of their said Legislative Councils, by Laws or Ordinances to be from Time to Time for that Purpose made and enacted as herein-after mentioned, to institute Courts of Civil Jurisdiction, to be called "Courts of Requests," in different Parts of *New South Wales* and *Van Diemen's Land*, or the Dependencies thereof, as Occasion shall require, with full Power and Authority to hear and determine in a summary Way all Actions, Plaints, and Suits for the Payment or Recovery of any Debt, Damages, or Matter not exceeding Ten Pounds Sterling, except the Matter in question shall relate to the Title to any Lands, Tenements, or Hereditaments, or to the taking or demanding of any Duty payable to His Majesty, or to any Fee of Office, Annual Rent, or other such Matter, where Rights in future may be bound, or to any general Right or Duty, and to award Costs therein; and the Determination and Award of such Courts of Requests, in all Cases within the Jurisdiction thereof, shall be final, and shall be carried into Execution by Attachment and Sale of the Goods and Effects, or by corporal Arrest of the Party or Parties against whom such Determination or Award shall be made; and each of the said Courts of Requests respectively shall be holden by a Commissioner to be appointed by His Majesty, with such Salary as His Majesty shall think proper to appoint, which Salary shall be in lieu of all Fees, Profits, or Emoluments whatever in respect of the Office of such Commissioner as aforesaid.

Governors may settle Forms of Process and Rules of Practice.

XIX. And be it further enacted, That the Governors of *New South Wales* and *Van Diemen's Land* respectively shall and may, with the Assistance of the Judges of the said Supreme Courts respectively, from Time to Time settle such Forms of Process, and such Rules of Practice and Proceeding, for the Conduct and Dispatch of Business in the said Courts of Sessions and Requests respectively, and appoint such reasonable Fees to be taken, as shall seem necessary and proper for expediting the Business of the said Courts with most Convenience and least Expence to the Parties concerned therein; and such Rules and Forms shall be followed, and such Fees shall be paid accordingly, and no other.

Appointment of Council.

XX. And whereas it may be necessary to make Laws and Ordinances for the Welfare and good Government of the said Colonies of *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof, the Occasions of which cannot be foreseen, nor without much Delay and Inconvenience be provided for, without entrusting that Authority for a certain Time, and under proper Restrictions, to Persons resident there: And whereas it is not at present expedient to call

call a Legislative Assembly in either of the said Colonies: Be it therefore enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrants under His or Their Sign Manual, to constitute and appoint, in *New South Wales* and *Van Diemen's Land* respectively, a Council, to consist of such Persons resident in the said Colonies respectively, not exceeding Fifteen nor less than Ten, as His Majesty, His Heirs and Successors, shall be pleased to nominate.

Proceedings of Council.

XXI. And be it further enacted, That neither of the said Councils shall be competent to act unless Two-Thirds at the least of the whole Number of Members on the List of such Council, exclusive of the said Governor or presiding Member, shall be actually present and assisting at the Deliberations thereof; and the Votes, Acts, and Resolutions of the major Part of the Members so present shall be deemed and taken to be the Votes, Acts, and Resolutions of the whole of such Council; and upon the Death, Resignation, Removal, or Absence of any of the Members of the said Councils, it shall be lawful for His Majesty in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; and the Governors for the Time being of the said Colonies respectively, with the Advice of the Legislative Councils, to be appointed as aforesaid, shall have Power and Authority to make Laws and Ordinances for the Peace, Welfare, and good Government of the said Colonies respectively, such Laws and Ordinances not being repugnant to this Act, or to any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof, or to the Laws of *England*: Provided always, that no Law or Ordinance shall be passed or made, unless the same shall first, by the said Governors respectively, be laid before the said respective Councils, nor unless Notice of the general Objects thereof shall have been sent by the Governor of the Colony for which such Law or Ordinance shall be proposed, to One or more of the Newspapers of such Colony for Insertion, Eight clear Days at least before such Law or Ordinance shall be passed, or unless, in case there be no Newspaper, such Notice shall be given by some other Mode of Public Advertisement, except when the Governor of such Colony shall consider the Circumstances of that Colony to be such as to make it probable that actual Danger would arise from the said Delay of Eight Days, in which Case the Governor and Council shall have Power to pass such Law or Ordinance in such Emergency as they shall deem requisite without any such Notice as aforesaid: Provided also, that in case all or the major Part of the Members of either of the said Councils present at any such Meeting shall dissent from any Law or Ordinance proposed by such Governor, the Members of the said Council so dissenting shall enter upon the Minutes of such Council the Grounds and Reasons of such their Dissent, and in every such Case such proposed Law or Ordinance shall not pass into a Law; and that in any Case where either of the said Governors respectively shall refuse to lay any Proposal of any Law or Ordinance before his respective Council, he shall, on the Request of any Member of such Council, lay before the said Council a Copy of his Refusal thereof, in which Copy the Proposal so refused shall be recited verbatim; and

every

every Member or Members who may disapprove such Refusal shall be at liberty to enter upon the said Minutes the Grounds of such Disapprobation.

Laws and Ordinances to be transmitted to the Supreme Court, to be there enrolled.

XXII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid shall, within Seven Days from the Date thereof, be transmitted by the Governors of the said Colonies respectively to the said Supreme Courts, to be there enrolled and recorded, and at the Expiration of Fourteen Days from the Day of the Date thereof every such Law or Ordinance so to be made as aforesaid shall take effect and be binding upon all His Majesty's Subjects and others within the said Colonies respectively, until His Majesty's Pleasure shall be known; but if before the Expiration of the said Term of Fourteen Days the Judges of the said Supreme Courts respectively, or either of such Judges, shall transmit to such Governor a Representation that any such Law or Ordinance is repugnant to this Act, or to any Charter or Letters Patent, or Orders in Council issued in pursuance hereof, or to the Laws of *England*, then and upon the Receipt of any such Representation such Governor shall suspend the Operation of such Law or Ordinance, until the same hath been brought by him, together with such Representation as aforesaid, under the Review of the said Legislative Council; and if upon a Review by the said Governor in Council of the said Ordinance the said Governor in Council shall adhere to such Ordinance, a written Notice of such Resolution shall forthwith be transmitted by the said Governor to the Judges of the said Supreme Court; and such Ordinance shall thenceforward take effect and be binding upon all His Majesty's Subjects within the said Colonies, until His Majesty's Pleasure shall be known, any Repugnancy or supposed Repugnancy of such Law or Ordinance to this Act, or to any such Charter, Letters Patent, or Orders in Council as aforesaid, or to the Laws of *England*, notwithstanding; and such Judges shall and they are hereby required, in any such Representation as aforesaid, to state fully and at length the Grounds of such their Opinions; which Representation shall be forthwith transmitted by such Governor to His Majesty through One of His Majesty's Principal Secretaries of State.

Governor to preside at Sittings of Council.

XXIII. And be it further enacted, That the Governor for the Time being of the said Colonies respectively shall in Person preside at all the Meetings of the said respective Legislative Councils, except when prevented by Illness or some other adequate Cause; and that in his Absence such other Member of the said Council as His Majesty shall be pleased to appoint shall preside at such Meetings; and that such Governor or presiding Member shall be entitled to vote upon all Questions proposed at any such Meeting, and when the Votes are equally divided shall also have an additional or casting Vote.

Laws of England to be applied in the Administration of Justice.

XXIV. Provided also, and be it further enacted, That all Laws and Statutes in force within the Realm of *England* at the Time of the passing of this Act, (not being inconsistent herewith, or with any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof,) shall be applied in the Administration of Justice

in the Courts of *New South Wales* and *Van Diemen's Land* respectively, so far as the same can be applied within the said Colonies; and as often as any Doubt shall arise as to the Application of any such Laws or Statutes in the said Colonies respectively, it shall be lawful for the Governors of the said Colonies respectively, by and with the Advice of the Legislative Councils of the said Colonies respectively, by Ordinances to be by them for that Purpose made, to declare whether such Laws or Statutes shall be deemed to extend to such Colonies, and to be in force within the same, or to make and establish such Limitations and Modifications of any such Laws and Statutes within the said Colonies respectively as may be deemed expedient in that Behalf: Provided always, that in the meantime and before any such Ordinances shall be actually made, it shall be the Duty of the said Supreme Courts, as often as any such Doubts shall arise upon the Trial of any Information or Action, or upon any other Proceeding before them, to adjudge and decide as to the Application of any such Laws or Statutes in the said Colonies respectively.

Governors and Councils not to impose Taxes, except for local Purposes.

XXV. Provided also, and be it further enacted, That the said Governors and Councils shall not impose any Tax or Duty, except only such as it may be necessary to levy for local Purposes; and the Purposes for which every such Tax or Duty may be so imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and particularly stated in the Body of every Law or Ordinance imposing every such Tax or Duty.

59 G. 3. c. 114. and 3 G. 4. c. 96. allowing certain Powers of Taxation to the Governor, made perpetual.

XXVI. And whereas an Act was made in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to stay Proceedings against any Governor or other Person concerned in imposing and levying Duties in* New South Wales; *to continue, until the First Day of* January *One thousand eight hundred and twenty-one, certain Duties; and to empower the said Governor to levy a Duty on Spirits made in the said Colony:* And whereas the said Act hath been continued from Time to Time by divers Acts of Parliament, and was varied and altered by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to continue, until the First Day of* January *One thousand eight hundred and twenty-four, an Act passed in the Fifty-ninth Year of His late Majesty, relating to imposing and levying Duties in* New South Wales; *to authorize the imposing and levying other Duties on Goods imported into the said Colony; and to suspend, for Ten Years, the Payment of Duty on the Importation of certain Goods the Produce of* New South Wales; and it is expedient that the said Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third should be made perpetual; be it therefore enacted, That the said Act passed in the Fifty-ninth Year of His said late Majesty King *George* the Third shall be and the same is hereby made perpetual; and that nothing in this Act contained shall extend or be construed to extend to repeal, alter, or affect the said last-mentioned Act, or the said Act passed in the Third Year of the Reign of His present Majesty; any thing herein contained to the contrary in anywise notwithstanding.

Powers vested in Governors by former Acts to continue.

XXVII. Provided nevertheless, and be it further enacted, That all and every the Powers and Authorities vested by the said Acts, or either of them, in the Governor of *New South Wales*, or the Person administering the Government thereof, shall henceforward be vested in and exercised by the Governors of *New South Wales* and *Van Diemen's Land* respectively, acting with the Advice and Consent of the respective Legislative Councils of the said Colonies; and that the Produce of the several Duties imposed and made payable under or by virtue of the said Acts of Parliament, or either of them, or under and by virtue of this Act, shall be applied in such Manner and to such Purposes as the said Governors and Councils may from Time to Time by any such Law or Ordinance appoint, and the Application thereof shall be accounted for to His Majesty in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall appoint.

Produce of Duties to be applied as Governor may appoint by any Law or Ordinance.

Laws and Ordinances to be transmitted to His Majesty's Secretary of State.

XXVIII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid shall, within Six Months from the Date thereof, be transmitted by the Governors for the Time being of the said Colonies respectively to One of His Majesty's Principal Secretaries of State for the Time being; and that it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time, as He or They shall think necessary, to signify, through One of His or Their Principal Secretaries of State, His or Their Approbation or Disallowance of all such Laws and Ordinances; and that from and immediately after the Time when such Disallowance shall be published in the said Colonies respectively, by Proclamation to be for that Purpose issued by the said Governors, all such Laws and Ordinances shall be null and void; but in case His Majesty, His Heirs and Successors, shall not, within the Space of Four Years from the making of such Laws and Ordinances, signify His or Their Disapprobation or Disallowance thereof as aforesaid, then and in that Case all such Laws and Ordinances shall be valid and effectual and have full Force.

Laws and Ordinances to be laid before Parliament.

XXIX. Provided also, and be it further enacted, That all Laws and Ordinances to be made in the said Colonies respectively, and all Orders to be made by His Majesty, His Heirs and Successors, with the Advice of His and Their Privy Council, in pursuance of this Act, shall be laid before both Houses of Parliament within Six Weeks at latest next after the Commencement of each Session.

Members of the Council to be Justices of the Peace.

XXX. And be it further enacted, That the Members for the Time being of the said Councils respectively shall, by virtue of such their Office, be Justices of the Peace in and for the whole of the said Colonies of *New South Wales* and *Van Diemen's Land* respectively, and their Dependencies; and the said Members of the Council shall, before they enter upon and discharge the Duties of such their Office, severally take and subscribe, before and in the Presence of the Governor or Acting Governor thereof for the Time being, an Oath in the following Words; that is to say,

Members to take the following Oath.

'I Do

'I Do swear, That I will, to the best of my Judgment and Ability, faithfully advise and assist the Governor of the Colony of *New South Wales* and its Dependencies [*or*, *Van Diemen's Land* and its Dependencies,] in all such Matters as shall be brought under my Consideration as a Member of the Council of the said Colony.

'So help me GOD.'

In case of Death or Resignation of Members of Council, Governors may fill up Vacancies.

XXXI. And be it further enacted, That in case of the Death, Resignation, Absence, or Incapacity of any Member or Members of the said Legislative Councils, the Governors of the said Colonies respectively shall and may appoint some fit and proper Person to act in the Place and Stead of such Person or Persons, until the Vacancy or Vacancies so created shall be filled up by an Appointment to be made by His Majesty, His Heirs and Successors, in manner aforesaid.

Remission of Sentence by Governor to have full Force and Effect, although not included in a General Pardon.

XXXII. And whereas by an Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling His Majesty to authorize the Governor or Lieutenant Governor of such Places beyond the Seas, to which Felons or other Offenders may be transported, to remit the Sentences of such Offenders*, after reciting several Orders made by His Majesty, with the Advice of His Privy Council, whereby His Majesty had declared and appointed that the Eastern Coast of *New South Wales*, and the Islands thereunto adjacent, should be the Place or Places beyond Sea to which certain Felons and other Offenders should be conveyed and transported, it was enacted, that it should be lawful for His Majesty, by His Commission under the Great Seal, to authorize the Governor or Lieutenant Governor for the Time being of such Place or Places as aforesaid, by any Instrument in Writing under the Seal of the Government in which such Place or Places should be situated, to remit, either absolutely or conditionally, the Whole or any Part of the Time or Term for which any such Felons or Offenders should have been or should thereafter be respectively conveyed or transported to such Place or Places; and it was further enacted, that such Governor or Lieutenant Governor should, by the first Opportunity, transmit to One of His Majesty's Principal Secretaries of State Duplicates of every Instrument as aforesaid, and that the Names of such Felons or other Offenders respectively, which should be contained in such Duplicate, should be inserted in the next General Pardon which should pass under the Great Seal of *Great Britain* after the Receipt of such Duplicates: And whereas in virtue of the said Act, and of His Majesty's Commission under the Great Seal, the Governors of *New South Wales* for the Time being have from Time to Time remitted the Time or Term for which divers Felons and other Offenders have been transported to the said Places, but the Duplicates of the several Instruments by which such Times or Terms of Transportation were remitted have not been regularly transmitted to *England*, and the Names of the Felons or other Offenders respectively therein contained have not been inserted in any General Pardon under the Great Seal of *Great Britain*: Be it further enacted, That all Instruments in Writing made in conformity with the said Act before the First Day of *January* One thousand eight hundred and twenty-

twenty-four, whereby any Governor or Lieutenant Governor of *New South Wales* for the Time being remitted or shortened the Time or Term of Transportation of any Felons or Offenders as aforesaid, shall have and shall be deemed and taken to have had within *New South Wales* and *Van Diemen's Land*, and their Dependencies, from the Days of the respective Dates of such several Instruments, such and the like Force and Effect in the Law, to all Intents and Purposes, as any General Pardon, if passed under the Great Seal aforesaid, and including the Names of such Felons or other Offenders respectively, could or would have had; and the same Instruments, whenever they shall be ratified by His Majesty, if His Majesty shall be pleased to ratify the same, and such Ratification shall be notified in Writing by One of His Majesty's Principal Secretaries of State, shall have the same Force and Effect within this Realm, and all other His Majesty's Dominions, from the Days of the respective Dates of such several Instruments, or from such other Days as shall be expressed in such Ratifications respectively.

Regulations as to Remissions of Sentences of Transportation.

XXXIII. And be it further enacted, That all Instruments in Writing, whereby any Governor of *New South Wales* or *Van Diemen's Land* respectively shall hereafter remit or shorten the Time or Term of Transportation of any Felons or other Offenders, in pursuance of the said Act passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, shall by such Governor be transmitted to His Majesty, His Heirs and Successors, for His and Their Approbation or Allowance; and in case His Majesty, His Heirs and Successors, shall, through One of His or Their Principal Secretaries of State, signify His or Their Approbation or Allowance of any such Remission or shortening of any such Time or Term of Transportation as aforesaid, then and in such Case only every such Instrument so transmitted as aforesaid shall be valid and effectual, and shall have and shall be deemed and taken from the Date thereof to have had within *New South Wales* and the Dependencies thereof, but not elsewhere, such and the same Effect in the Law, to all Intents and Purposes, as if a General Pardon had passed under the Great Seal aforesaid, on the Days of the Dates of such Instruments respectively, in which the Names of such Felons or Offenders as aforesaid had been included.

Penalty for aiding Escape of Felons from Van Diemen's Land or New South Wales.

XXXIV. And be it further enacted and declared, That any Person or Persons who shall in any Manner contrive, aid, abet, or assist in the Escape or intended Escape from any Part of *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, of any Person or Persons there being under or by virtue of any Judgment or Sentence of Transportation, for any Term not then expired, or of any Judgment or Sentence pronounced in any Court of competent Jurisdiction in the said Colony or its Dependencies, is, and is and are and shall be and be deemed and taken to be, guilty of a Misdemeanor, and shall incur and be liable to a Fine not exceeding Five hundred Pounds, or to Imprisonment for any Time not exceeding Two Years, or to both, at the Discretion of the Court before which any such Person or Persons may be convicted; and such Misdemeanor shall and may be tried and inquired of by the Supreme Courts of *New*

South Wales or of *Van Diemen's Land* respectively, or by His Majesty's Court of King's Bench at *Westminster*, or by any Court of Record in any of His Majesty's Colonies, Plantations, or Foreign Dominions.

Artificers, &c. may bind themselves to serve for certain Periods.

XXXV. And be it further enacted, That it shall and may be lawful for any Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry or other Labourer, not being under the Age of Eighteen Years, by Indenture duly executed, and without a Stamp, to contract with any Person or Persons about to proceed to or actually resident in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, or with the Agent or Agents of such Person or Persons, faithfully to serve, or to proceed to and faithfully serve such Person or Persons in the said Colonies, or the respective Dependencies thereof, for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture.

Persons to whom Artificers are bound may bring Actions against Parties concealing or harbouring such Artificers.

XXXVI. And be it further enacted, That it shall and may be lawful for any Person or Persons with whom such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, shall have so contracted to serve as aforesaid, to maintain an Action on the Case against any Person or Persons who shall employ, retain, harbour, or conceal any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with Intent to deprive the Employer of any such Person or Persons of his, her, or their Services, or otherwise with Intent to defraud or injure such Employer; and in case the Plaintiff or Plaintiffs in any such Action shall recover a Verdict, he, she, or they shall, in addition to the Damages found by such Verdict, recover and have Treble Costs.

Court of Session or Justice of the Peace may punish Violation of Indenture.

XXXVII. And be it further enacted, That it shall and may be lawful for the Court of Sessions, or any Two or more Justices of the Peace in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, upon Complaint made upon Oath, to punish by Fine or Imprisonment, or both, any wilful Violation of the Provisions of such Indentures as aforesaid by, or any Misdemeanor, Miscarriage, or Ill-behaviour of, such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, in such his Service or Employment as aforesaid; and also to hear and determine all Complaints, Differences, and Disputes which shall happen and arise between any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the Person or Persons whom he or she shall have so contracted to serve as aforesaid, and to make such Order or Award in every such Case as to such Courts of Sessions or Justices respectively shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made, or by Arrest of the Persons, and Imprisonment for any Time not exceeding Three Calendar Months.

Not to affect Contracts entered into by Artificers with Australian Company.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall invalidate or be construed to invalidate any Contract which shall have been heretofore entered into by any Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with any Person or Persons, Body Politic or Corporate, in pursuance or by virtue of the said Act passed in the Fourth Year of His Majesty's Reign, or in pursuance or by virtue of an Act passed in the Fifth Year of His Majesty's Reign, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called* "*The* Australian *Agricultural Company*," *for the Cultivation and Improvement of Waste Lands in the Colony of* New South Wales, *and for other Purposes relating thereto;* or in pursuance or by virtue of an Act passed in the Sixth Year of His Majesty's Reign, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called* "*The* Van Diemen's Land *Company*," *for the Cultivation and Improvement of Waste Lands in His Majesty's Island of* Van Diemen's Land, *and for other Purposes relating thereto;* and all such Artificers, and other Persons or Person as aforesaid, having entered into any such Contract as aforesaid, shall be subject and liable to be proceeded against in such and the same Manner as is provided in like Cases in and by this Act; and in case of any such Artificers or other Persons as aforesaid being employed, retained, harboured, or concealed by any Persons or Person in the said Colony, it shall be lawful for any Persons or Person, Body Politic or Corporate, with whom such Contract shall have been entered into, to bring and maintain such and the like Actions against the Persons or Person so employing, retaining, harbouring, or concealing them or him, as may be brought and maintained in such and the like Cases under and by virtue of this Act.

5 G. 4. c. 86.

6 G. 4. c. 39.

Commencement of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect in the said Colonies of *New South Wales* and *Van Diemen's Land* respectively upon and from the First Day of *March* One thousand eight hundred and twenty-nine, and from and after that Day the said Act so passed as aforesaid in the Fourth Year of His Majesty's Reign shall be and the same is hereby repealed.

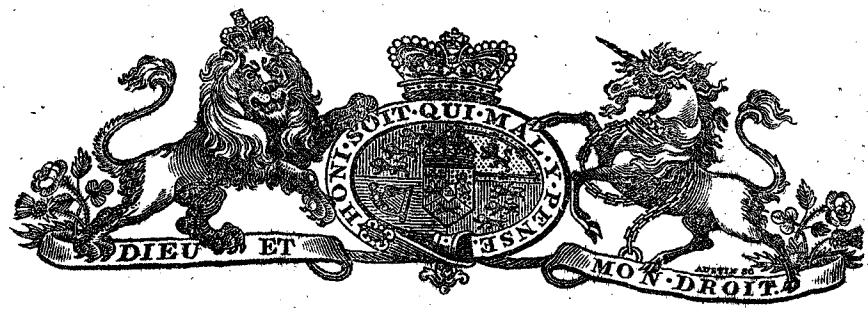
In the Absence of the Governors, the other Officers to act as such.

XL. And be it further enacted and declared, That for the Purposes and within the Intent and Meaning of this Act, the Officers for the Time being administering the Government of the said Colonies respectively shall, in the Absence of the Governors thereof respectively, be deemed and taken to be the Governors of such Colonies respectively.

Continuance of Act.

XLI. And be it further enacted, That this Act shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and thirty-six, and thenceforward until the End of the next ensuing Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO.

GEORGII IV. REGIS.

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CAP. LXXXIV.

An Act to continue an Act for amending and consolidating the Laws relating to the Abolition of the Slave Trade. [25th *July* 1828.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, it is amongst other Things enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order or Orders to be by him or them from Time to Time issued, with the Advice of His or Their Privy Council, to authorize and permit, until the Thirty-first Day of *July* One thousand eight hundred and twenty-seven, and to the End of the next ensuing Session of Parliament, and no longer, the Removal of any Slaves from any Island in the *West Indies* belonging to or in the Possession of His Majesty, to any other Island in the *West Indies* belonging to or in the Possession of His Majesty, in case it shall be made appear to His Majesty, His Heirs and Successors, and His or Their Council, that such Removal is essential to the Welfare of the Slaves proposed to be so removed; and it is thereby provided, that it shall and may be lawful for His Majesty, His Heirs and Successors, by any such Order or Orders as aforesaid, to make and establish such Stipulations, Conditions, and Regulations, for the Benefit of such Slaves in the Island to which they may be so removed, as to His Majesty, His Heirs and Successors, with the 5 G. 4. c. 113.

Advice of His or Their Council, may seem meet, and to take Security in Double the Value of the Slaves so to be removed (such Value to be estimated according to the Price of Slaves in the Island to which such Slaves are to be taken), by Bond or Recognizance to be made and entered into by the Person or Persons to or on the Application of whom such Licence may be granted, with at least Two sufficient Sureties, for the due and faithful Observance and Performance of all such Stipulations, Conditions, and Regulations as aforesaid; and all Orders in Council to be so issued as aforesaid shall be laid before both Houses of Parliament within Six Weeks next after the Commencement of each Session: And whereas it is expedient that the Powers so vested as aforesaid in His Majesty in Council, by the said recited Act, should be still further continued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Powers so vested as aforesaid in His Majesty in Council, in and by the said recited Act, shall continue and be vested in His Majesty in Council, in such and the same Manner, and subject to all such and the same Conditions and Regulations, as in the said Act are provided and contained, until the Thirty-first Day of *July* One thousand eight hundred and twenty-nine, and further until the End of the then next Session of Parliament, if Parliament be then sitting, and no longer.

The Powers vested in His Majesty by the recited Act continued to 31 July 1829.

In Colonies where no Custom House is established, the Governor may appoint some Person to grant Clearances and Certificates for the Removal of Slaves.

II. And whereas it is by the said Act amongst other Things provided, that where Two or more Islands are comprized in the same Colonial Government, nothing therein contained shall prevent or be construed to prevent any Proprietor of Slaves, lawfully being in any One of such Islands, from carrying away or removing such Slaves to any other Island within the same Government, for the Purpose of cultivating any Estate or Plantation belonging to such Proprietor himself; provided that such special Purpose of the Removal shall previously be made to appear to the Satisfaction of the Governor or Lieutenant Governor, or other Person having the chief Civil Command for the Time being within such Government, who thereupon shall and may grant a Licence for such Removal, specifying therein the special Cause thereof; but it is enacted, that before any Slave or Slaves shall, by virtue of any such Licence, be so removed or embarked on board of any Ship or Vessel for that Purpose, such Clearances or Permits, and such Certificates, shall be obtained as are therein-after mentioned and directed in regard to Domestic Slaves attending on their Owner or Master or his Family by Sea; and it is by the said Act further provided, that nothing therein contained shall prevent any Slave, who shall be really and truly the Domestic Servant of any Person residing or being in any Island, Colony, Plantation, or Territory, belonging to or under the Dominion or in the Possession of His Majesty, from attending such his Owner or Master or any Part of his Family, by Sea, to any Place whatever; nevertheless, under certain Regulations therein mentioned, and especially under the Regulation that the Name and Occupation of every such Domestic Slave or Slaves shall be inserted in or endorsed upon the Clearance or Permit to depart of such Ship or Vessel, by or in the

Presence of the Collector, Comptroller, or other Chief Officer of the Customs of the Port or Place from which such Ship or Vessel shall clear Outwards on any Voyage, who shall, without Fee or Reward, certify under his Hand that the Slave or Slaves so embarked or carried were reported or described to him as Domestic Servants: And whereas it may be necessary to effect a Removal of Slaves, under the Provisions aforesaid, from Islands in which no Custom House is established, and in such Cases it would be impossible to comply with the Regulations aforesaid respecting Clearances; be it therefore enacted, That it shall and may be lawful for the Governor or other Person administering the Government of any of His Majesty's Colonies, by Commission under his Hand and Seal, to appoint some fit and proper Person or Persons in any One or more Island or Islands, in any such Colony wherein no Custom House shall be established, for the special Purpose of granting such Clearances and Certificates as aforesaid; and all Clearances and Certificates to be granted by any Person or Persons appointed in manner aforesaid shall be to all Intents and Purposes as valid and effectual as if the same had been granted by any Collector, Comptroller, or other Officer of Customs, as in the said recited Act in that Behalf mentioned: Provided always, that every such Commission shall and may from Time to Time be revoked and renewed by any such Governor, as Occasion may require.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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C A P. LXXXV.

An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes.

[25th *July* 1828.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, and intituled *An Act to restrain the Disposition of Lands whereby the* 9 G. 2. c. 36. *same become unalienable*, it was amongst other Things enacted, that after the Twenty-fourth Day of *June* One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in Trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were made by Deed indented, sealed and delivered in the Presence of Two or more credible Witnesses, Twelve Calendar Months at the least before the Death of such Donor or Grantor, (including the Days of the Execution and Death,) and were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take Effect in Possession, for the Charitable Use intended, immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever,

for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, that nothing hereinbefore mentioned, relating to the Sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor, should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, to be made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making such Conveyance, without Fraud or Collusion; and it was thereby enacted, that all Gifts, Grants, Appointments, Assurances, Transfers, and Settlements whatsoever, of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, to or in Trust for any Charitable Uses whatsoever, which should at any Time after the said Twenty-fourth Day of *June* One thousand seven hundred and thirty-six be made in any other Manner or Form than by the said Act was directed and appointed, should be absolutely and to all Intents and Purposes null and void: And whereas the said Provision contained in the said recited Act, in relation to the Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, for a full and valuable Consideration, was only intended to prevent such Purchases from being avoided by reason of the Death of the Grantor within Twelve Calendar Months after the Sealing and Delivery of the Deed or Deeds relating thereto: And whereas it has notwithstanding been generally apprehended that the said last-mentioned Provision was intended wholly to exempt such Purchases from the Operation of the said Act, and in consequence thereof the Formalities by the said Act prescribed, in relation to the Conveyance of Hereditaments to Charitable Uses, have in divers Instances been omitted on Purchases for a full and valuable Consideration, and by reason of such Omission the Title to such Hereditaments may be considered defective: And whereas it is expedient that Provision should be made for remedying such Defect in manner herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, have or has been purchased for a full and valuable Consideration, in Trust or for the Benefit of any Charitable Uses whatsoever, and such full and valuable Consideration has been actually paid for the same, every Deed or other Assurance already made for the Purpose of conveying or assuring such Lands, Tenements, or Hereditaments, Estate or Interest as aforesaid, in Trust or for the Benefit of such Charitable Uses, (if made to take Effect in Possession, for the Charitable Use intended, immediately from the making thereof, and without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever, for the Benefit of the Grantor, or of any Person or Persons claiming under him,) shall be as good and valid, and of the same Effect, both for establishing derivative Titles, and in all other respects, as if the several Formalities by the said Act prescribed had been duly observed and performed.

Deeds relating to Purchase of Lands for Charitable Purposes to be valid, although the Formalities prescribed by the recited Act have not been duly performed.

II. Pro-

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give Effect to any Deed or other Assurance heretofore made, so far as the same has been already avoided by Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or other Assurance, or for defeating the Charitable Uses in Trust or for the Benefit of which such Deed or other Assurance may have been made. Act not to extend to Deeds avoided by Suits at Law.

III. Provided also, and be it further enacted, That nothing herein contained shall be construed to dispense with any of the said several Formalities prescribed by the said recited Act, in relation to any Deed or other Assurance which shall be made after the passing of this present Act. Not to dispense with prescribed Formalities.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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C A P. LXXXVI.

An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons. [25th *July* 1828.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for the* 6 G. 4. c. 125.
Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons, it is amongst other Things enacted, that it shall and may be lawful for the Lord Warden of the Cinque Ports and Constable of *Dover Castle* or his Lieutenant for the Time being, and they are thereby required, to appoint and license fit and competent Persons duly skilled as Pilots, for the Purpose of conducting all Ships and Vessels, sailing, navigating, and passing from or by *Dungeness,* up the River *Thames* and *Medway,* to *London* Bridge and *Rochester* Bridge, and all and every the several Channels, Creeks, and Docks of the same, and from the South Buoy of the *Brake* to the Westward, as far as the West End of the *Owers;* and that all Ships and Vessels sailing, navigating, and passing as aforesaid, (save and except as therein-after provided,) shall be conducted and piloted, within the Limits aforesaid, by such Pilots so appointed and licensed, and by no other Pilots or Persons whomsoever: And whereas it is expedient that no Person belonging to the Society or Fellowship of Pilots of *Dover, Deal,* and the *Isle of Thanet,* commonly called Cinque Port Pilots, should be allowed to

take charge as a Pilot of any Ship or Vessel in the River *Thames* above or to the Westward of the public Landing Place at *Gravesend*, commonly called the Town Quay, (except such Pilots as having qualified themselves by actual Survey of the River *Thames* above *Gravesend* previously to the passing of this Act, shall, after the passing of this Act and before the Twenty-ninth Day of *September* next, be expressly licensed, by the Lord Warden of the Cinque Ports or his Lieutenant for the Time being, for that Purpose); be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *August* next, any Person belonging to the said Society or Fellowship of Cinque Port Pilots, (except such Pilots as shall be expressly licensed as aforesaid,) who shall take charge as a Pilot of any Ship or Vessel in the River *Thames* above or to the Westward of the said public Landing Place at *Gravesend* aforesaid, and any Person belonging to the said Society or Fellowship who shall take charge as a Pilot of any Ship or Vessel in the River *Medway* Westward of the *Standgate* Creek, shall be deemed and taken to be acting out of the Limits for which he is qualified, and beyond the Extent of his Qualification, and shall incur and become liable to all such and the same Forfeitures and Penalties as within or under the Provisions of the said Act can or may be incurred by any Pilot acting out of the Limits for which he is qualified, or beyond the Extent of his Qualification; and which Forfeitures and Penalties shall be recovered and applied in the Manner by the said Act prescribed.

Cinque Port Pilots (except expressly licensed) not to take charge of Vessels to the Westward of the public Landing Place at Gravesend, or Westward of Standgate Creek.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXVII.

An Act to continue until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, and from thence to the End of the then next Session of Parliament, an Act passed in the Sixth Year of the Reign of His present Majesty, respecting deserted Children in *Ireland*.

[25th *July* 1828.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws respecting deserted Children in* Ireland, which Act was to continue in force for Two Years from the passing thereof; and by an Act of the last Session of Parliament the said Act was continued and is in force until the End of the present Session of Parliament; and it is expedient to continue the same for a further Time; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby further continued in force until the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, and from thence to the End of the then next Session of Parliament. 6 G. 4. c. 102.

Recited Act continued until 25th March 1829.

Sums leviable to be taken as Currency of the United Kingdom.

II. And be it further enacted, That the Sum of Five Pounds and Fifty Shillings, mentioned and referred to in the said Act of the Sixth Year of His present Majesty as leviable for the Purposes in the said Act mentioned, shall from and after the passing of this Act be taken and intended as Five Pounds and Fifty Shillings of the Currency of the United Kingdom.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXVIII.

An Act to repeal certain Provisions in several Acts relating to the Butter Trade in *Ireland*.

[25th *July* 1828.]

WHEREAS by an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the Butter Trade in* Ireland, it is amongst other things enacted, that the Public Weigh-master or Joint Public Weigh-masters in the said Act mentioned, his or their Deputy or Deputies, is and are thereby empowered and required to make Allowance on account of Soakage as therein mentioned: And whereas by an Act passed in the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act for the further Regulation of the Butter Trade in* Ireland, it is enacted, that from and after the passing of the said Act no Person shall sell or expose to Sale any Cask or Casks within any City or Liberties thereof, Town Corporate, Place of Export, or Market Town in *Ireland*, for packing of Butter for Sale or Export, or shall make up or pack any Butter in any Cask or Casks to be exposed to Sale or for Export in such City, Town Corporate, or Market Town, or Place of Export, unless such Cask or Casks be made of good seasoned Oak or Ash, Sycamore or Beech, (whereof no Part to be of Bog Timber,) and shall be full bound and made tight, so that each Cask shall hold Pickle, with Head and Bottom equally dooled, and set to the Cross with good and sufficient Hoops on each Cask, all well twigged with good fresh Osier Twigs:

52 G. 3. c. 134.

53 G. 3. c. 46.

40 G. 3. (I.)

And whereas by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, intituled *An Act for the better Regulation of the Butter Trade of the City of* Cork *and the Liberties thereof, and for the better Regulation of the said City in the other Matters therein mentioned, and in respect to Lighters and Vessels plying for Hire, and also respecting Sedan Chairs, Coaches, and Chaises plying for Hire within the City and Liberties of the City of* Cork, it is enacted, that no Person or Persons shall sell or expose to Sale any Cask or Casks within said City or Liberties, for packing of Butter, nor any rendered Hog's Lard for Sale, or shall make up or pack any Butter or rendered Hog's Lard for Sale, or shall make up or pack any Butter or rendered Hog's Lard, in any Cask or Casks to be exposed to Sale in said City or Liberties, unless such Cask or Casks be made of good seasoned Oak, Ash, Sycamore, or Beech, whereof no Part to be Bog Timber, and shall be made tight so that they shall hold Pickle, with Head and Bottom equally dooled, and set to the Cross with Twelve good sufficient Hoops on each Cask, all well twigged with good fresh Osier Twigs: And whereas by an Act

3 G. 4. c. lxxxv.

passed in the Third Year of His present Majesty's Reign, intituled *An Act for amending the several Acts in force for making wide and convenient Streets, Ways, and Passages in the City of* Cork *and the Suburbs thereof, and for paving, cleansing, lighting, and otherwise improving the said City, and for regulating the Court of Conscience established therein,* certain other Provisions are made concerning the Firkins or Casks in which Butter is to be packed: And whereas it is expedient to repeal so much of the said Acts as has been herein-before recited, of the said Fifty-second, Fifty-third, and Fortieth Years of the Reign of His late Majesty, and of the Third Year of the Reign of His present Majesty; be it therefore and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Acts so passed as aforesaid in the Fifty-second, Fifty-third, and Fortieth Years of the Reign of His late Majesty, and in the Third Year of the Reign of His present Majesty, as is herein-before recited, shall be and the same is hereby repealed.

So much of former Acts as is herein recited, repealed.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXIX.

An Act for raising the Sum of Sixteen millions and forty-six thousand eight hundred Pounds, by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight.

[25th *July* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money, not exceeding in the Whole the Sum of Sixteen millions and forty-six thousand eight hundred Pounds, in the same or like Manner, Form, and Order, and according to the same or like

The Treasury may raise 16,046,800*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His late Majesty, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Clauses, &c. in recited Act extended to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities, contained in the said Act, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Treasury to apply the Money raised.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act, to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills to be paid out of the Supplies for next Session.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon, and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Exchequer Bills to bear an Interest not exceeding 3½*d.* per Cent. per Diem;

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the Whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

and to be current at the Exchequer after April 5, 1829.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and twenty-nine, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act; and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Sixteen Millions; any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

The Bank of England may advance not exceeding 16,000,000*l.* on the Credit of this Act, notwithstanding the Act 5 & 6 Gul. & Mariæ.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XC.

An Act to amend the Acts for regulating the Reduction of the National Debt.

[25th *July* 1828.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for further regulating the Reduction of the National Debt*, it is amongst other Things enacted, that from and after the Fifth Day of *April* One thousand eight hundred and twenty-three, there shall be set apart and issued at the Receipt of the Exchequers, out of the Consolidated Fund, to be placed to the Account of the Commissioners for the Reduction of the National Debt, the annual Sum of Five Millions; and the said annual Sum is thereby made chargeable on the said Fund by equal quarterly Payments in each Year, to be issued and paid from Time to Time into the Bank of *England* or into the Bank of *Ireland*, as therein mentioned: And whereas it has been resolved by the Commons House of Parliament, that in lieu of the Sum now directed by the said Act of the Fourth Year of His present Majesty to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, towards the Reduction of the National Debt, there shall be issued at the Receipt of the Exchequers, out of the said Consolidated Fund, to the Commissioners for the Reduction of the National Debt, such an annual Sum as, together with the annual Interest on all Capital Stock which on the Fifth Day of *July* One thousand eight hundred and twenty-eight was standing in the Names of the said Commissioners, will amount to the Sum of Three 4 G. 4. c. 19.

 Millions;

So much of recited Act as requires 5,000,000*l.* yearly to be applied to the Reduction of the National Debt, repealed.

Millions; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said recited Act of the Fourth Year of the Reign of His present Majesty as directs the issuing of the said Sum of Five Millions to the said Commissioners for the Reduction of the National Debt, for the Purposes required by the said Act, shall be and the same is and are hereby repealed.

In future such Sum shall be so applied as, with the Interest on the the Stock held by the Commissioners on 5 July 1828, will amount to 3 Millions a Year, by quarterly Payments.

II. And be it further enacted, That from and after the passing of this Act, and until the Fifth Day of *July* One thousand eight hundred and twenty-nine, unless other Provision shall in the meantime be made by Parliament, there shall be set apart and issued at the Receipt of the Exchequers, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be placed to the Account of the said Commissioners for the Reduction of the National Debt, to be by them applied towards the Reduction of the National Debt, such Sum of Money as, together with the Interest on all Capital Stock whatever which on the Fifth Day of *July* One thousand eight hundred and twenty-eight was standing in the Names of the said Commissioners, either on account of the Sinking Fund, or on account of Stock transferred to them for the Purchase of Life Annuities, shall not exceed the Sum of Three Millions; and such Sum is hereby made chargeable on the said Consolidated Fund, and shall be issued by Four equal quarterly Payments in each Year; and such quarterly Payments are hereby made chargeable on the said Consolidated Fund from and after the Fifth Day of *July* One thousand eight hundred and twenty-eight, and shall in future be paid from Time to Time either into the Bank of *England* or into the Bank of *Ireland*, in such Proportions and at such Times in each Quarter of a Year as the said Commissioners for the Reduction of the National Debt shall require, according to the Provisions and Directions of any Act or Acts in force respecting Sums issued from the said Exchequers towards the Reduction of the National Debt; and for the Purpose of ascertaining the Amount of the Interest payable on the Stock standing in the Names of the said Commissioners on the said Accounts on the Fifth Day of *July* One thousand eight hundred and twenty-eight, such Amount shall be certified to the Commissioners of His Majesty's Treasury and to the Auditor of the Exchequer, in Writing under the Hand of the Comptroller General or Assistant Comptroller acting under the said Commissioners for the Reduction of the National Debt.

500,000*l.* paid on the 7th July 1828, under former Act, shall be taken as Part of the Payment due on the 5th July under this Act.

III. And whereas the Sum of Five hundred thousand Pounds, Part of the quarterly Sum of One million two hundred and fifty thousand Pounds, issuable under the said recited Act of the Fourth Year of the Reign of His present Majesty, was issued out of the Consolidated Fund to the Commissioners for the Reduction of the National Debt on the Seventh Day of *July* One thousand eight hundred and twenty-eight, in pursuance of the said recited Act; and it is expedient that the said Sum of Five hundred thousand Pounds should be deemed and taken to be Part of the quarterly Sum of Seven hundred and

fifty thousand Pounds due on the Fifth Day of *July* One thousand eight hundred and twenty-eight, and to be issued out of the Consolidated Fund to the said Commissioners under the Provisions of this Act; be it enacted, That between the Day of the passing of this Act and the Tenth Day of *October* One thousand eight hundred and twenty-eight, the further Sum of Two hundred and fifty thousand Pounds, in addition to the Sum of Five hundred thousand Pounds herein-before mentioned, shall be issued out of the said Consolidated Fund to the said Commissioners, to complete the Sum of Seven hundred and fifty thousand Pounds due on the Fifth Day of *July* One thousand eight hundred and twenty-eight; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners may apply Money issued under this Act in Payment of Exchequer Bills.

IV. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, to apply from Time to Time, if they shall deem it expedient so to do, and under such Regulations as the said Commissioners shall direct, any Part or Parts of the Sums of Money which shall be placed to their Account in pursuance of this Act, or any Part of the Accumulations thereof, in the Purchase of Exchequer Bills held by any Person or Persons or any Body Politic or Corporate whatever; any thing in any Act or Acts to the contrary thereof in anywise notwithstanding.

Exchequer Bills so purchased shall be cancelled within Five Days after each Quarter.

V. And be it further enacted, That the Commissioners for the Reduction of the National Debt shall cause all Exchequer Bills purchased by them or on their Account, under the Provisions of this Act, to be delivered to the Paymasters of Exchequer Bills to be cancelled within Five Days next after the Expiration of the Quarter of the Year in which such Bills shall have been so purchased by the said Commissioners; and the said Paymasters are hereby required, upon the Delivery thereof, to cancel such Exchequer Bills accordingly.

Regulations of 4 G. 4., as amended, extended to this Act.

VI. And be it further enacted, That the several Regulations contained in the said recited Act of the Fourth Year of the Reign of His present Majesty shall be applied in the Execution of this Act, except only so far as the same are repealed or altered by this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XCI.

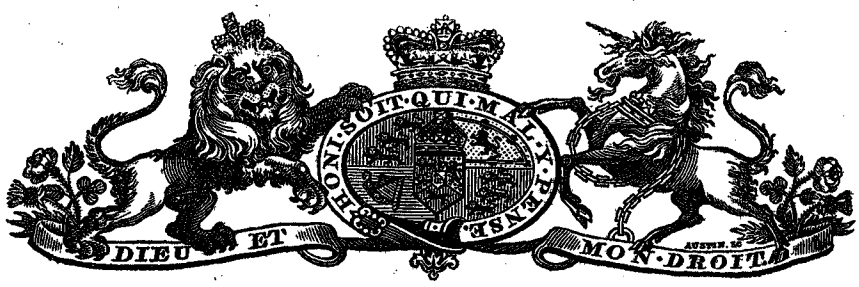
An Act to authorize the Advance of a certain Sum out of the Consolidated Fund for the Completion of the *Welland* Canal Navigation in *Upper Canada*. [25th *July* 1828.]

WHEREAS the *Welland* Canal Navigation, for connecting the Waters of Lakes *Erie* and *Ontario* in *Upper Canada*, is a Work which, when completed, will be of great Public Utility: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to order and direct that any Sum of Money, not exceeding the Sum of Fifty thousand Pounds in the whole, shall be lent and advanced and paid, out of the Consolidated Fund of the said United Kingdom, to the President and Directors of the Company for making the said Canal, to be applied by the said President and Directors towards defraying the Expences of completing the said Canal; and such Sum of Money shall be so lent and advanced at such Times and in such Proportions as the said Commissioners of the Treasury shall think fit and proper; and the Repayment of all Sums of Money so advanced under this Act, with Interest, within the Term

The Treasury may advance 50,000*l.* to the Welland Canal Company, Repayment of which to be secured by Assignment of the Tolls.

of Ten Years from the passing of this Act, shall be secured by an Assignment of the Tolls and Profits of the said Canal to such Persons, in such Manner, and under such Conditions and Regulations, as the said Commissioners of the Treasury shall order and direct.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS.

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CAP. XCII.

An Act to consolidate and amend the Laws relating to Savings Banks. [28th *July* 1828.]

WHEREAS it is expedient to amend the Laws relative to Savings Banks in *England* and *Ireland*, and to consolidate the same in One Act, and to make other Provisions respecting Savings Banks; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to encourage the Establishment of Banks for Savings in* Ireland; and also an Act passed in the same Year, intituled *An Act to encourage the Establishment of Banks for Savings in* England; and also an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in the last Session of Parliament to encourage the Establishment of Banks for Savings in* England; and also an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Encouragement of Banks for Savings in* England; and also an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend the several Acts for the Encouragement of Banks for Savings in* England *and* Ireland; shall be and the same are hereby, from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight,

Repeal of 57 G. 3. c. 105. 57 G. 3. c. 130. 58 G. 3. c. 48. 1 G. 4. c. 83. 5 G. 4. c. 62.

Not to invalidate Appointments, &c. under preceding Acts.

eight, repealed: Provided nevertheless, that nothing herein contained shall invalidate or annul any Payments, Receipts, or Appointments made, or Proceedings had, or Bonds or Securities taken or entered into, or Drafts, Powers of Attorney, Certificates, Orders, or other Instruments whatsoever, executed under the Authority of any of the hereby repealed Acts.

What Institutions shall be entitled to the Privileges and Benefits of this Act.

II. And whereas certain Banks for Savings have been established in *England* and *Ireland*, for the safe Custody and Increase of small Savings belonging to the industrious Classes of His Majesty's Subjects, and it is expedient to give Protection to such Institutions and the Funds thereby established, and to afford Encouragement to others to form the like Institutions; be it enacted, That if any Number of Persons have formed or shall form any Society in any Part of *England* or *Ireland*, for the Purpose of establishing and maintaining any Institution in the Nature of a Bank to receive Deposits of Money for the Benefit of the Persons depositing the same, to accumulate the Produce of so much thereof as shall not be required by the Depositors, their Executors or Administrators, at Compound Interest, and to return the Whole or any Part of such Deposit and the Produce thereof to the Depositors, their Executors or Administrators, (deducting out of such Produce so much as shall be required for the necessary Expences attending the Management of such Institution,) but deriving no Benefit whatsoever from any such Deposit or the Produce thereof, and shall be desirous of having the Benefit of the Provisions of this Act, such Persons shall cause the Rules and Regulations established or to be established for the Management of such Institution to be entered, deposited, and filed in manner herein-after directed, and thereupon shall be deemed to be entitled to and shall have the Benefit of the Provisions contained in this Act: Provided always, that the Privilege of paying Money into the Banks of *England* or *Ireland*, and of receiving Receipts for the same, shall be and the same is hereby declared to be extended to such Institutions as may have formed or may hereafter form their Rules and Regulations according to the Provisions of this Act; and it shall and may be lawful for the Trustees of such Institutions respectively to invest any Funds already accumulated by such Institutions, and which shall not have been invested at the Time of the passing of this Act, and to receive Receipts for the same in manner authorized by this Act: Provided nevertheless, that no such Institution to be hereafter formed shall have or be entitled to the Benefits of the Provisions in this Act contained, unless the Formation of the same shall have been sanctioned and approved of by the Justices of the County, Riding, Division, or Place where such Institution is intended to be held, at the General Quarter Sessions, and by the Commissioners for the Reduction of the National Debt, or, on their Behalf, by the Comptroller General or Assistant Comptroller acting under the said Commissioners.

Banks not to be formed unless approved by Justices at Sessions and Commissioners of National Debt.

Rules of Institution to be entered in a Book and be open to the Inspection of Depo-

III. And be it further enacted, That no such Institution as aforesaid shall have the Benefit of this Act, unless the Rules and Regulations for the Management thereof shall be entered in a Book or Books to be kept by an Officer of such Institution to be appointed for that Purpose, and which Book or Books shall be open at all seasonable Times for

the Inspection of the Persons making Deposits in the Funds of such Institution, and unless such Rules and Regulations shall be fairly transcribed on Parchment, and such Transcript deposited with the Clerk of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established; which Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, and a Certificate of the Inrolment thereof shall be signed by such Clerk of the Peace on a Duplicate Copy, to be provided by and returned to such Institution, on Payment of a Fee of Ten Shillings in respect thereof, provided the same be returned to such Institution as aforesaid within the Space of Ten Days then next following, and not otherwise; but nevertheless, nothing herein contained shall extend to prevent any Alteration in or Amendment of any such Rules or Regulations so entered and deposited and filed as aforesaid, or repealing or annulling the same or any of them, in the whole or in part, or making any new Rules or Regulations for the Management of such Institution, in such Manner as by the Rules and Regulations of such Institution shall from Time to Time be provided, but such new Rules or Regulations, or such Alterations in or Amendments of former Rules or Regulations, or any Order annulling or repealing any former Rule or Regulation, in the whole or in part, shall not be in force until the same respectively shall be entered in such Book or Books as aforesaid, and a Transcript or Transcripts thereof deposited with such Clerk of the Peace as aforesaid, who shall file and certify the same as aforesaid, on Payment of a Fee of Five Shillings.

sitors; and a Copy thereof deposited with Clerk of the Peace.

Not to prevent Alterations.

Alterations to be entered and deposited in like Manner.

IV. And be it further enacted, That before a Transcript of the Rules and Regulations, or Alterations in or Amendments of former Rules or Regulations, for the Management of any Institution requiring the Benefit of this Act, shall be deposited with the Clerk of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established, pursuant to the Directions of this Act, such Transcript shall be submitted by the Trustees or Managers for the Time being of each respective Institution, and at the Expence of the said Institution, to a Barrister at Law to be appointed by the Commissioners for the Reduction of the National Debt, for the Purpose of ascertaining whether the same are in conformity to Law, and with the Provisions of this Act; and that the said Barrister shall give a Certificate thereof, or point out in what Part or Parts they are repugnant thereto; and the Fee to be paid to such Barrister for perusing the Rules, Regulations, Alterations, or Amendments of each respective Institution, and giving such Certificate as aforesaid, shall not at any one Time exceed the Sum of One Guinea; and such Transcript shall be signed by Two Trustees, and shall, together with the Certificate of such Barrister as herein-before mentioned, be laid before the Justices for such County, Riding, Division, or Place, at the General or Quarter Sessions next after the Time when such Transcript shall have been so deposited; and it shall be lawful for such Justices then and there present, after due Examination thereof, to reject and disapprove of any Part or Parts thereof, or to allow and confirm the said Transcript, or such Part or Parts thereof as shall be conformable to the true Intent and Meaning

Rules and Regulations, before deposited with Clerk of the Peace, to be submitted to a Barrister.

Justices at Session may reject any Rules of Institutions.

Meaning of this Act, without requiring the Certificate or Approval of any other Barrister: Provided always, that the said Justices shall signify such Rejection or Disapproval of any One or more of the Rules, Orders, and Regulations contained in such Transcript, by the Words "Rejected" or "Disapproved" written opposite such Rule or Rules, Order or Orders, Regulation or Regulations, and signed by the Chairman of such Sessions; and such Rule or Rules, Order or Orders, Regulation or Regulations, as shall be so rejected or disapproved, shall not be in force from the Time of such Rejection or Disapproval, any thing in this Act, or in any such Rules, Orders, and Regulations, to the contrary notwithstanding: Provided always, that the said Clerk of the Peace do, within the Space of Ten Days next after such Rejection or Disapproval, give Notice thereof in Writing to the Two Trustees of such Institution, by whom the Transcript of such Rules, Orders, and Regulations shall be signed as aforesaid; and provided always, that nothing herein contained shall be construed to require any Rule making any Alteration in the Hours of Attendance at any such Institution as aforesaid, to be laid before such Barrister as aforesaid, previous to the Inrolment thereof.

Manner of signifying such Rejection.

Clerk of the Peace to give Notice of such Rejection.

V. And be it further enacted, That all Rules and Regulations from Time to Time made and in force for the Management of such Institution as aforesaid, and duly entered in such Book or Books as aforesaid, and deposited with such Clerk of the Peace as aforesaid, shall be binding on the several Members and Officers of such Institution, and the several Depositors therein and their Representatives, all of whom shall be deemed and taken to have full Notice thereof by such Entry and Deposit as aforesaid; and the Entry of such Rules and Regulations in such Book or Books as aforesaid, or the Transcript thereof deposited with such Clerk of the Peace as aforesaid, or a true Copy of such Transcript examined with the Original, and proved to be a true Copy, shall be received as Evidence of such Rules and Regulations respectively in all Cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every Copy of any such Transcript deposited with any Clerk of the Peace as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy; and such Copy shall not be subject to any Stamp Duty.

Rules, when entered and deposited, to be binding on Members and Depositors.

Copy of Transcript to be received as Evidence.

VI. And be it further enacted, That no such Institution as aforesaid shall have the Benefit of this Act, unless it shall be expressly provided by the Rules and Regulations for the Management thereof, that no Person or Persons, being Treasurer, Trustee, or Manager of such Institution, or having any Controul in the Management thereof, shall derive any Benefit from any Deposit made in such Institution, save only and except such Salaries and Allowances or other necessary Expences as shall according to such Rules and Regulations be provided for the Charges of managing such Institution, and for Remuneration to Officers employed in the Management thereof, exclusive of the Treasurer or Treasurers, Trustee or Trustees, Manager or Managers, or other Persons having Direction in the Management

Treasurer, Trustee, or Manager, &c. not to derive any Benefit from the Institution.

Management of such Institution, who shall not directly or indirectly have any Salary, Allowance, Profit, or Benefit whatsoever therefrom, beyond their actual Expences for the Purposes of such Institution.

Treasurer, and other Officers intrusted with Receipt or Custody of Money, to give Security.

VII. And be it further enacted, That every Treasurer, Actuary, or Cashier, who shall be intrusted with the Receipt or Custody of any Sum of Money subscribed or deposited for the Purpose of such Institution, or any Interest or Dividend from Time to Time accruing therefrom, and every Officer or other Person receiving any Salary or Allowance for their Services from the Funds of any Savings Banks, unless he shall already have given good and sufficient Security, shall give good and sufficient Security, to be approved of by not less than Two Trustees and Three Managers of such Savings Banks, for the just and faithful Execution of such Office or Trust; and such Security shall be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, or County of a Town, Riding, Division, or Place, or to the Town Clerk of the Place where such Institution shall be established, for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees or Managers for the Time being of such Institution to sue upon such Bond or Bonds in the Name of such Clerk of the Peace or Town Clerk for the Time being, and to carry on such Suit at the Costs and Charges and for the Use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace or Town Clerk from all Costs and Charges in respect of such Suit; and no Bond to be so given shall be subject to or charged or chargeable with any Stamp Duty whatever.

Effects of Institution vested in Trustees for Time being.

VIII. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatever, and all Securities for Money or other obligatory Instruments, and Evidences or Muniments, and all other Effects whatever, and all Rights or Claims belonging to or had by such Institution, shall be vested in the Trustee or Trustees of such Institution for the Time being, for the Use and Benefit of such Institution, and the respective Depositors therein, their respective Executors or Administrators, according to their respective Claims and Interests, and after the Death or Removal of any Trustee or Trustees, shall vest in the succeeding Trustee or Trustees, for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever; and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be, the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Institution for the Time being, in his, her, or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid of or belonging to or had by such Institution; and such Person or Persons so appointed shall and may, in all Cases concerning the Property, Right, or Claim aforesaid of such

Institution, sue and be sued, plead and be impleaded, in his, her, or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no such Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of the Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs, as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of, or to be reimbursed from, the Funds of such Institution.

Liability of Trustees, &c.

IX. And be it further enacted, That no Trustee or Manager shall be personally liable, except for his own Acts and Deeds, nor for any thing done by him in virtue of his Office in the Execution of this Act, except in Cases where he shall be guilty of wilful Neglect or Default.

Treasurer and Trustees, &c. to account and deliver up Effects when required.

X. And be it further enacted, That all and every Person and Persons who shall have or receive any Part of the Monies, Effects, or Funds of or belonging to such Institution, or shall in any Manner have been or shall be intrusted with the Disposition, Management, or Custody thereof, or of any Securities, Books, or Papers, or Property relating to the same, his, her, or their Executors, Administrators, and Assigns respectively, shall, upon Demand made in pursuance of any Order of not less than Two Trustees and Three Managers of such Institution, or at any General Meeting of the Trustees or Managers thereof, give in his, her, or their Account or Accounts to the said Trustees or Managers, or to such General Meeting of such Institution, or to such other Person or Persons who shall be nominated to receive the same, to be examined and allowed or disallowed by the said Trustees or Managers respectively, and shall, on the like Demand, pay over all the Monies remaining in his or their Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property, in his or their Hands or Custody, to such Person or Persons as the said Trustees or Managers shall appoint; and in case of any Neglect or Refusal to deliver such Account, or to pay over such Monies, or to assign, transfer, or deliver such Securities, Effects, Funds, Books, Papers, or Property, in manner aforesaid, it shall be lawful to and for the Trustee or Trustees of such Institution for the Time being to exhibit a Petition to the Justices of the Peace, at their General or Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Institution shall be established, who shall and may proceed thereupon in a summary Way, and make such Order therein, upon hearing all Parties concerned, as to such Court in their Discretion shall seem just, which Order shall be final and conclusive; and all Assignments, Sales, and Transfers made in pursuance of such Order, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Trustees of Savings Banks shall invest all

XI. And be it further enacted, That the several Sums of Money belonging to any Savings Bank, which the Trustees of such Savings Bank respectively are authorized to invest under this Act, or under

any Rules or Regulations of any such Savings Banks, shall be paid into and invested in the Bank of *England* or the Bank of *Ireland*, as the Case may require, in the Names of the Commissioners for the Reduction of the National Debt, according to the Provisions of this Act enabling such Trustees to make Investments in the Names of the said Commissioners, and no such Sum or Sums shall be paid or laid out by the Trustees of such Savings Bank in any other Manner or upon any other Security whatever, except such Sums of Money as from Time to Time shall necessarily remain in the Hands of the Treasurer or Treasurers to answer the Exigencies thereof: Provided always, that nothing herein contained shall restrain or prevent any Depositor, or any Trustee or Trustees acting on behalf of any Depositor or Depositors of any Friendly Society, or any charitable or provident Institution or Society, from withdrawing from any such Savings Bank any Sum or Sums of Money which shall have been deposited by such Depositor, Friendly Society, charitable or provident Institution or Society, and investing the same in any other Securities: Provided always, that the Trustees of any Institution already established, or which shall take the Benefit of this Act in manner herein-before provided, shall be and they are hereby empowered to pay into the Banks of *England* or *Ireland*, as the Case may be, any Sum or Sums of Money, not being less than Fifty Pounds, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustees of such Institution, or any Two or more of them, that such Monies belong exclusively to the Institution for which such Payment is intended to be made, whether such Monies shall have been deposited therein before the passing of this Act, or thereafter shall be deposited therein; and the Cashier or Cashiers of the Banks of *England* and *Ireland* respectively are hereby required to receive all such Monies, and to place the same into the Account raised in the Names of the said Commissioners in the Books of the Banks of *England* and *Ireland* respectively, denominated "The Fund for the Banks for Savings:" Provided always, that previous to any Payment being made into the Banks of *England* or *Ireland* as aforesaid, the Person or Persons applying for that Purpose shall in all Cases produce to the Officer of the said Commissioners, at their Office in *London* or *Dublin*, as the Case may be, an Order under the Hands of Two of the Trustees of such Institution on the Account of which such Payment is to be made.

Money in the Bank of England or Ireland, and not in any other Security.

Not to prevent Depositors from withdrawing their Money from Savings Banks.

Trustees empowered to pay into the Banks of England or Ireland any Sum not less than 50*l.* to the Account of the Commissioners for the Reduction of the National Debt.

Previous to Payments, an Order of Two Trustees to be produced.

XII. Provided always, That nothing in this Act contained shall extend to prevent the Trustees of any Savings Bank, already established or to be established, receiving any Sum or Sums of Money from any Depositor for any Purpose except to be paid into the Bank to the Account of the Commissioners for Redemption of the National Debt; and that it shall be lawful for such Trustees to apply any such Sum or Sums of Money in any other Manner for the Benefit of the several Depositors, according to the Rules and Regulations of such Savings Banks respectively; any thing in this Act contained to the contrary notwithstanding.

Not to prevent Trustees from receiving Money to be applied in any other Manner.

XIII. And

Central Banks may invest the Money of Branch Banks.

XIII. And be it further enacted, That in Cases where any Banks for Savings have been or shall be established in any Town or Place, and other smaller Banks have been or shall be established in the Neighbourhood of such Town or Place as Branch Banks thereof, and such Branch Banks, by their Treasurers, have paid or shall pay any Sums into the Bank in any such Town or Place as a Central Bank, it shall and may be lawful for the said Trustees, or any Two of them, of any such Central Bank, to pay into the Bank of *England* or *Ireland*, in manner prescribed by this Act, along with the Monies belonging to such Central Bank, any Sum or Sums of Money belonging to and on account of any such Branch Bank: Provided always, that the Treasurer of such Branch Banks shall certify to the Treasurer of such Central Bank, that the Amount contributed by any One Subscriber to any such Branch Bank in any One Year does not exceed the Proportions authorized by this Act.

Penalties on false Declaration to obtain Receipts.

XIV. And be it further enacted, That if any Order or Declaration produced to the said Officer for the Purpose of paying Monies into the Banks of *England* or *Ireland*, to the Account of the said Commissioners as aforesaid, shall contain any Matter or Thing which be false or untrue, then and in every such Case the Sum so paid shall be forfeited to the said Commissioners.

Monies paid in on Savings Bank Account to be invested in Bank Annuities or Exchequer Bills.

XV. And be it further enacted, That the said Commissioners shall cause all the Monies paid into the Banks of *England* and *Ireland* respectively, and placed to their Account in pursuance of the Provisions of this Act, to be invested from Time to Time, under such Regulations as the said Commissioners shall direct, in the Purchase of Bank Annuities or Exchequer Bills, or in either of them, in their Names, and to be carried to the Account hereinbefore provided; and the Interest which shall arise from Time to Time and become due thereon shall in like Manner be invested in the Purchase of Government Annuities or of Exchequer Bills as aforesaid.

On Payment of Money into the Bank to the Account of National Debt Commissioners, their Officer shall give a Receipt for the same, carrying Interest at $2\frac{1}{2}$d. per Cent. per Diem.

XVI. And be it further enacted, That on the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest payable on the Receipts issued to the Trustees of Savings Banks by the Commissioners for the Reduction of the National Debt shall cease; and that from and after the said Twentieth Day of *November*, all Receipts issued prior to that Day shall carry Interest at the Rate of Two-pence Halfpenny *per Centum per Diem*; and that from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, upon the Payment of any Sum or Sums of Money into the Banks of *England* or *Ireland* to the Account of the said Commissioners by the Trustees of any Savings Bank, it shall be lawful for the Officer or Officers of the said Commissioners in that Behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such Payment being made, a Receipt, signed by One of the Cashiers of the Governor and Company of the Bank of *England* or *Ireland* respectively, for the Amount of such Payment, carrying Interest at the Rate of Two-

pence

pence Halfpenny *per Centum per Diem* from the Day of such Payment inclusive, payable, with the Principal, at the Banks of *England* and *Ireland*, whenever the same shall be required or drawn for in manner directed by this Act; and such Receipt shall be dated on the Day on which the Payment of any such Sum or Sums of Money shall be made respectively; and every such Receipt shall be in such Form as shall be from Time to Time directed by the said Commissioners; and the Principal and Interest of all Sums mentioned in any Receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of, all or any Monies standing in any Account in the Names of the said Commissioners, or out of any Monies produced by the Sale of any Stock or Annuities, Funds, or Exchequer Bills, standing in their Names in the Books of the Bank of *England* and *Ireland* respectively, as the said Commissioners shall from Time to Time direct.

Interest due on Money mentioned in Receipt to be calculated half-yearly up to 20th Nov. and 20th May, and carried to Account of Savings Bank as additional Principal.

XVII. And be it further enacted, That all Interest which shall become due and payable upon any Sum of Money mentioned in any such Receipt, upon the Twentieth Day of *November* and the Twentieth Day of *May* in every Year next after the Date of any such Receipt, shall be from Time to Time calculated and computed by the Officer of the said Commissioners, and shall in each and every Year be placed to the Credit of the Savings Bank on whose Account any such Sum of Money was paid, within Six Weeks from such Twentieth Day of *November* and Twentieth Day of *May* respectively, and shall be carried to and written on the Account of such Savings Bank, and shall become Principal, and shall from thenceforth carry Interest as Principal Money paid into the said Banks of *England* or *Ireland* respectively on the Account of such Savings Bank; and a Receipt, according to such Form as the said Commissioners shall approve, shall be signed by the Officer of the said Commissioners, and shall be issuable by the said Officer half-yearly within Six Weeks after such Twentieth Day of *November* and Twentieth Day of *May* respectively, (and such Receipts shall bear Date the Twenty-first Day of *November* and Twenty-first Day of *May* respectively,) for the Amount of such Interest so credited and made Principal as aforesaid, as if the Amount thereof had been a Payment made by the Trustees of such Savings Bank to the Account of the said Commissioners: Provided always, that no Interest shall be computed or calculated on the fractional Part of a Pound, or any Sum less than a Pound, of the half-yearly Balance standing in the Books of the said Commissioners on account of any Savings Bank on any Twentieth Day of *November* or Twentieth Day of *May* respectively: Provided also, that it shall be lawful for the Managers and Trustees of any such Savings Bank, if they shall so think fit, to direct that all Interest which shall become due and payable to each Depositor on any Sum of Money deposited in such Savings Bank shall yearly, or Twice in each and every Year, be calculated and computed by the Trustees of such Savings Bank, or such Person or Persons as they shall appoint, and shall be carried to the Credit of the Person or Persons depositing the said Sum or Sums of Money, and shall become Principal, and shall from thenceforth carry Interest in all respects as other Principal Money deposited in the said Banks, or as if the said Sum of Interest so calculated had actually been paid

No Interest on fractional Parts of a Pound.

Interest arising to Depositors may be calculated yearly or Twice a Year, and carried to their Credit as Principal.

to the said Depositors, and by them repaid to the said Trustee or Trustees; any Law, Statute, or Usage to the contrary notwithstanding.

Before drawing for Money, Trustees shall sign Appointment of Agent to receive the same, which Appointment shall be deposited with Commissioners.

XVIII. And be it further enacted, That before any Trustees of any Savings Bank shall make any Order or Draft for Payment, by the said Commissioners, of any Sum or Sums of Money under this Act, the Trustees of such Savings Bank shall make, give, sign, and execute an Appointment under the Hands and Seals of not less than Two of such Trustees, and the Execution of which shall be attested by Two Managers of the same Savings Bank, empowering and authorizing some Person or Persons named in such Appointment to be Agent or Agents for receiving all and every such Sum and Sums of Money as such Trustees shall from Time to Time require to be paid by such Commissioners; and every such Appointment shall be produced by or on behalf of the Person or Persons named therein to the Officer of the said Commissioners, Fourteen Days at least before the Payment of any Sum or Sums of Money on account of such Savings Bank, and such Appointment shall remain deposited in the Office of such Officer; and every such Appointment shall be made in such Form, and under such Regulations, as shall from Time to Time be directed or required or approved of by the said Commissioners or their Officer: Provided always, that it shall and may be lawful for the Trustees of any Savings Bank by whom any such Appointment shall be made, given, signed, and executed, or for the Survivors or Survivor of such Trustees, to revoke such Appointment by any Certificate or other Instrument under the Hands and Seals or Hand and Seal of such Trustees or Trustee, attested by Two Managers of such Savings Bank, and in such Form and under such Regulations as shall be directed or required or approved of by the said Commissioners or their Officer; and in case of the Decease of every such Trustee except One, it shall and may be lawful for the surviving Trustee, together with any other Trustee or Trustees, being not less than Two, of the said Savings Bank, and in case of the Decease of all such Trustees, or in case all such Trustees shall decline or refuse to act, it shall and may be lawful for not less than Two other Trustees of the said Savings Bank, from Time to Time to make, give, and execute an Appointment in manner aforesaid, re-appointing the Person or Persons named in such Appointment, or any other Person or Persons in his or their Room or Stead, to be the Agent or Agents of such Trustees; and every such Certificate or Instrument of Revocation, and every such new Appointment, shall be produced to the Officer of the said Commissioners by the Person or Persons named in such new Appointment, Fourteen Days at least before the Payment of any Sum or Sums of Money to the Person or Persons named in such new Appointment, and shall remain deposited in the Office of such Officer.

Appointments may be revoked, and others granted from Time to Time.

Trustees may draw for the Whole or any Part of any Sum placed to their Account, by Drafts on

XIX. And be it further enacted, That it shall and may be lawful for the Trustees of any such Savings Bank from Time to Time (by any Draft or Order in Writing under the Hands of any Two Trustees of such Savings Bank, attested by Two other Trustees or Managers, or by any Two credible Witnesses, according to such Form as the said Commissioners for the Reduction of the National Debt shall from

Time to Time direct,) to require that the Whole or any Part of the Principal Sum or Sums of Money standing in the Books of the said Commissioners to the Credit of the Trustees of such Savings Bank respectively shall be paid to such Person or Persons as such Trustees shall from Time to Time require, being the Agent or Agents named in some Appointment executed under this Act or the said recited Acts, and lodged with the Officers of the said Commissioners, as herein-before mentioned, and then remaining in force; and every such Draft or Order shall be addressed to the said Commissioners, and upon the same being produced to the Officer of the said Commissioners, the said Officer shall, within Five Days after the Production thereof, upon the Back of such Draft or Order, indorse and sign an Order, in such Form as shall or may from Time to Time be directed and required by the said Commissioners, for the Payment of the Sum mentioned in the Draft or Order of such Trustees, together with the Amount of all Interest due on such Sum up to the Day immediately preceding the Day of the Date of the Order of such Officer, and which Order of such Officer, previous to the issuing thereof, shall be entered and countersigned by the Clerk or other proper Officer making such Entry, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or *Ireland*, as the Case may be; and such Cashiers, or One of them, shall, upon the Production of such Order, pay the Sum mentioned therein to the Person or Persons mentioned in the Draft or Order of the said Trustees; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners, and to the said Governors and Company respectively; and all Payments made in pursuance of such Drafts or Orders respectively shall be deemed and taken to be Payments made by the said Commissioners to the Trustees of such Savings Banks respectively, according to the numerical Order and Priority of Date in which the original Receipts of Money deposited on account of such Savings Banks respectively shall have been issued to the Trustees thereof respectively in manner herein-before mentioned.

Commissioners, which shall be indorsed by their Officer, with the Interest added thereto, and paid by Cashiers of the Bank.

XX. Provided always, and be it further enacted, That whenever the Sum to be drawn for by the Trustees of any Savings Bank shall exceed Five thousand Pounds, the Draft or Order for that Purpose shall be signed by not less than Four such Trustees, and that the Signature of each and every of the said Four Trustees shall be separately attested by at least One Manager of such Savings Bank, or by some One other credible Person, and that any Manager or other Person attesting the Signature of any One of the said Four Trustees shall not be an attesting Witness to the Signature of any other of such Four Trustees: Provided also, that whenever the Sum or Sums drawn for by One or more Drafts by the Trustees of any Savings Bank in *England* and *Ireland* respectively, or by the Trustees of any Friendly Society in *England*, shall exceed the Sum of Ten thousand Pounds, the Amount of such Draft or Drafts (if more than One) shall not be payable or be paid by the Officer of the said Commissioners until the Expiration of Fourteen Days next after the Day when the Draft or Drafts for such Sum or Sums shall be produced to the said Officer.

Drafts exceeding 5,000*l.* to be signed by 4 Trustees, and attested by separate Witnesses.

Draft for 10,000*l.* not to be paid until after 14 Days.

XXI. Pro-

Officer not to issue in any One Day Orders for more than 10,000*l.* for the same Bank.

Trustees appearing in Person may receive Payments of Drafts instead of their Agents.

XXI. Provided always, and be it enacted, That such Officer shall be and he is hereby restrained from issuing any Order or Orders for Payment as aforesaid, bearing the same Date, upon any One Day, on account of the same Savings Banks or Friendly Society, exceeding in Amount the Principal Sum of Ten thousand Pounds; any thing herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that in case any One or more Trustee or Trustees of any Savings Banks who shall have made, given, signed, and executed any such Appointment, shall at any Time appear in Person at the Office of the said Commissioners in *England* or *Ireland* respectively, and require Payment of any Sum or Sums of Money which might be required by the Person or Persons authorized to receive the same by such Appointment, or if any Trustee or Trustees of any Savings Bank shall appear in Person, where no such Appointment shall have been made, and if such Trustee or Trustees so appearing shall produce a Draft or Order, signed by any Two or more Trustees of such Savings Bank, for any Sum under Five thousand Pounds, or by any Four or more Trustees for Sums exceeding Five thousand Pounds, no such Trustee or Trustees being himself or themselves a Party or Parties who signed such Draft or Order, and if the Identity of the Person of the Trustee or Trustees so appearing shall be ascertained to the Satisfaction of the said Commissioners or their Officer, it shall be lawful for the said Officer to direct Payment to be made to such Trustee or Trustees so appearing of any Sum or Sums required to be paid by such Order or Draft, in like Manner as if the Person or Persons authorized by such Appointment to receive the same had required such Payment; any thing herein-before contained to the contrary in anywise notwithstanding: Provided nevertheless, that notwithstanding the Payment made to such Trustees or Trustee appearing in Person, on the Appointment of such Person or Persons as aforesaid, the Appointment shall remain in full force and virtue until revoked by the Trustees as herein-before mentioned.

Trustees, &c. to ascertain Amount of Surplus Fund, and distribute or appropriate the same.

XXII. And be it further enacted, That within Six Weeks after the Twentieth Day of *November* in the Year of our Lord One thousand eight hundred and twenty-eight, the Trustees and Managers of the different Savings Banks already established in *England* and *Ireland* shall ascertain the Amount of the increased Stocks or Funds of their respective Banks up to the said Twentieth Day of *November* One thousand eight hundred and twenty-eight, and shall, as soon afterwards as conveniently can be, after retaining so much thereof as may be necessary for or towards the future Purposes and Management of the said Savings Banks respectively, appropriate the same in the Manner provided for by their respective Rules and Regulations made before the passing of this Act; or in the Event of no Provision having been made by such Rules and Regulations, then in such Manner as the Trustees or Managers, or the major Part of them, assembled at any General Meeting to be convened according to the respective Rules and Regulations of such Savings Banks, shall think fit and proper; any thing herein contained to the contrary notwithstanding.

XXIII. And

XXIII. And be it further enacted, That in all Cases where the Joint Stock or Property of any Savings Bank, arising from Deposits made under this or any former Act, shall, from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, be increased by the Interest received beyond the Rate of Interest payable to the Depositors by the Rules and Regulations of such Savings Banks, or by any other Means, the said Trustees or Managers, after deducting all such Expences as they may deem proper, shall, within Six Months after the Twentieth Day of *November* in each Year, ascertain, certify, and pay over to the said Commissioners the Amount of such increased Stock and Property, reserving such Portion as may appear necessary to meet current Expences; and the Amount of such Surplus, which shall be ascertained, certified, and paid over (after such Deduction as aforesaid), shall be discharged from the Account of such Savings Bank standing in the Books of the said Commissioners; and the said Commissioners shall keep a separate and distinct Account of such Surplus so discharged from the Account of the said Savings Banks respectively as aforesaid, and apply the same in such Manner, and under such Regulations, from Time to Time, as any other Monies under the Provisions of this Act: Provided always, that it shall and may be lawful for the Trustees or Managers of the said respective Savings Banks to claim and receive of and from the said Commissioners, (who are hereby required to pay the same upon such Certificate as they may appoint,) for the Purposes of the Institution, any Sum of Money equal to the Whole or any Part of the Principal Monies which may have been so discharged from the Account of such Savings Banks as aforesaid.

From 20th Nov. 1828, Surplus to be paid over to Commissioners for Reduction of National Debt.

XXIV. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest payable to Depositors by the Trustees or Managers of any Savings Bank shall not exceed the Rate of Twopence Farthing *per Centum per Diem.*

Interest not to exceed 2¼*d.* per Cent. per Diem.

XXV. And be it further enacted, That in case the Trustees or Managers of any such Institution shall receive or shall have received any Deposit of Money from or for the Benefit of any Person under the Age of Twenty-one Years, it shall be lawful for the Trustees or Managers of such Institution to pay such Person his or her Share and Interest in the Funds of such Institution; and the Receipt of such Person shall be a sufficient Discharge, notwithstanding his or her Incapacity or Disability in Law to act for him or herself.

Savings of Minors may be invested.

XXVI. And whereas Deposits in Savings Banks may have been made and may be made by Married Women, without Notice that they are Married Women, and Deposits may have been made and may be made by Women who may have afterwards married; be it further enacted, That it shall be lawful for the Trustees in any Savings Bank to pay any Sum of Money in respect of any such Deposit to any such Woman, unless the Husband of such Woman, or his Representatives, shall give to such Trustees Notice of such Marriage, and shall require Payment to be made to him or them.

Deposits made by Married Women.

Charitable Societies may invest Sums not exceeding 100*l.* per Annum, or 300*l.* in the whole.

XXVII. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, it shall and may be lawful for the Trustees or Treasurers of any charitable or provident Institution or Society in *England* or *Ireland*, or charitable Donation or Bequest, for the Maintenance, Education, or Benefit of the Poor, from Time to Time to subscribe any Part of the Funds of such Institution or Society into the Funds of any Savings Banks, if the Trustees or Managers thereof shall be willing to receive the same, to the Amount of One hundred Pounds *per Annum*, provided the Amount of the Sum to be invested by such Institution or Society shall not at any Time exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest.

Friendly Societies may subscribe any Portion of their Funds into Savings Banks.

XXVIII. And be it further enacted, That it shall be lawful, if the Trustees or Managers of any Savings Banks shall think proper, for any Friendly Society established under and by virtue of any Act or Acts relating to Friendly Societies from Time to Time to subscribe the Whole or any Part of the Funds of such Friendly Society, as they shall from Time to Time direct, through their Treasurer, Steward, or other Officer or Officers, into the Funds of any Institution which shall take the Benefit of this Act, and which shall be willing to receive the same, under such Terms and Conditions as shall be specially provided for that Purpose by the Rules, Orders, and Regulations of such Institution: Provided always, that it shall not be lawful for the said Trustees to receive any Sum or Sums from any Friendly Society formed and enrolled after the passing of this Act which may exceed the Sum of Three hundred Pounds, Principal and Interest included, nor to pay any Interest on the same whenever such Sum or Sums shall amount to or continue at the said Sum of Three hundred Pounds or upwards.

Proviso.

Receipt of Treasurer, &c. of Friendly Society or charitable Institution deemed sufficient Discharge.

XXIX. And be it further enacted, That the Receipt or Discharge of the Treasurer, Trustee, or other Officer of such Friendly Society, charitable or provident Institution or Society, for the Time being, for any Money paid according to the Requisition of such Treasurer, Trustee, or other Officer apparently authorized to require such Payment, shall be a sufficient Discharge for the same; and the Institution in which such Deposit shall be made shall not be responsible for any Misapplication of any such Money, Donation, or Bequest, by the Person or Persons to whom the same shall be so paid, or for any Want of Authority of the Person or Persons requiring or receiving such Payment.

Members of Friendly or charitable Societies not liable to Disability in those Societies by subscribing to any Institution under this Act.

XXX. And be it further enacted, That no Person who is or shall be a Member of any Friendly Society established or to be established under and by virtue of any Act or Acts relating to Friendly Societies, or a Member of any of the charitable Institutions herein-before mentioned, shall, by reason of such Person being or becoming a Depositor in any Institution taking the Benefit of this Act, be considered as subject or liable to any Penalty, Forfeiture, or Disability declared or expressed, or intended so to be, by or in the Rules, Orders, or Regulations of such Friendly Society; any Rules, Orders, or Regulations of such Friendly Society made, or hereafter to be made, to

the contrary notwithstanding: Provided also, that no Depositor shall be subject or liable to any Penalty or Forfeiture on account of his belonging to or being interested in the Funds of any Friendly Society or charitable Society deposited in any other Savings Bank. Proviso for Depositors belonging to Societies.

XXXI. And be it further enacted, That all Regulations and Provisions in this Act contained, relative to Money paid into the Bank of *England*, and Receipts issued on account thereof, and also to the Application of all such Money by the said Commissioners, shall be applicable to Payments made and Receipts issued under the Authority of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein*, except with respect to all such Friendly Societies as may have been formed and enrolled previous to the passing of this Act. Regulations, &c. of this Act extended to Payments, &c. under 59 G. 3. c. 128.

XXXII. And be it further enacted, That no Sum shall be paid or subscribed into any Savings Bank by any Person or Persons, by Ticket or Number or otherwise, without disclosing his or her Name, together with his or her Profession, Business, Occupation, Calling, and Residence, to the Trustees or Managers of such Savings Bank; and the Trustees or Managers of every Savings Bank are hereby required to cause the Name of such Depositor, together with his or her Profession, Business, Occupation, Calling, and Residence, to be entered in the Books of the Institution. No Sum to be subscribed without the Name and Profession, &c. of the Depositor.

XXXIII. And be it further enacted, That it shall and may be lawful for the Trustees or Managers of any Savings Bank to receive from any Person or Persons acting as Trustee or Trustees on behalf of any Depositor or Depositors, whether such Person or Persons is or are himself or themselves a Depositor or Depositors or not, any Sum or Sums not exceeding the annual Amount herein-after mentioned; provided that such Trustee or Trustees shall make such Declaration on behalf of such Depositor or Depositors, and subject to the like Conditions, as by this Act is required in the Case of any Person or Persons making any Deposit on his or her own Account; and all Deposits made by any such Trustee or Trustees shall be inserted in the Books of such Savings Bank in the joint Names of such Trustee or Trustees and of the Person or Persons on whose Account such Sum shall be so deposited; and the Receipt and Receipts of such Trustee or Trustees, or the Survivor of them, or the Executors or Administrators of any sole Trustee or surviving Trustee, with or without the Receipt of the Person or Persons on whose Account such Sum may have been deposited, shall be a good and valid Discharge to the Trustees or Managers of the Institution. Persons allowed to subscribe as Trustees on behalf of others.

XXXIV. And be it further enacted, That it shall not be lawful for any Person or Persons who shall have made any Deposit in, or any Subscription to, or who shall be entitled to any Benefit from, the Funds of any Savings Bank, to make any Deposit in or to subscribe any Sum into the Funds of any other Savings Bank, or to open any new Account in the said Savings Bank; and that every Person desirous Subscribers to One Savings Bank shall not subscribe to any other.

Declaration to be made at the Time of Subscription.

desirous of making any Deposit in or any Subscription to any Savings Bank, shall at the Time of making the First Deposit in any Savings Bank, and at such other Time or Times as such Depositor shall be required so to do by the Trustees or Managers of any such Savings Bank, sign, either by themselves, or, in case of Infants under the Age of Seven Years, by some Person to be approved of by the Trustees or Managers, or by such other Person as they shall appoint, a Declaration in such Form as shall be directed or approved of by the Commissioners or other proper Officer, that the Person or Persons on whose Behalf any such First Deposit or Subscription shall be required to be made is not or are not entitled to any Deposit, or any such subsequent Deposit or Subscription in or any Benefit from the Funds of any Savings Bank, other than that into which such Deposit or Subscription shall be made, or any other Funds in the said Savings Bank; and in case any such Declaration shall not be true, or if any Person shall at any Time have or hold or be possessed of any Deposit or Funds in more than One Savings Bank within the United Kingdom, every such Person shall forfeit and lose all Right and Title to any Deposit in or to any Funds of any and every such Savings Bank; and the Managers and Trustees of such Savings Bank shall and they are hereby required in such Case to close the Account of such Depositor, and to cause the Sum or Sums so forfeited to be forthwith paid into the Bank of *England* or Bank of *Ireland*, as the Case may be, to the Account of the Commissioners standing in the Books of the Governor and Company of the said Banks respectively, under the Title of "The Account of the Commissioners for applying certain Sums of Money annually to the Reduction of the National Debt;" and the Cashier or Cashiers of the said Governor and Company is and are hereby required to receive all such Sums, and to place the same to the said Account, to be applied in like Manner as all other Money placed to the said Account; and every such Declaration so made shall be filed and kept and preserved by the Trustees of every such Savings Bank; and a printed Notice of such Regulation and Prohibition shall be affixed in the Office or Place appointed for the receiving of Deposits to any Savings Bank, in such Form as the said Commissioners or their proper Officer shall from Time to Time direct, or require or approve.

Penalty on false Declaration, Forfeiture of Deposit to the Sinking Fund.

Declarations shall be filed.

Trustees not to receive from any one Depositor more than 30*l.* in any One Year, nor more than 150*l.* in the whole.

When Deposit and Interest amount to 200*l.* Interest to cease.

XXXV. And be it further enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, it shall not be lawful for the Trustees of any Savings Bank to receive from any One present or future Depositor any Sum or Sums exceeding Thirty Pounds in the whole, exclusive of Compound Interest, in any One Year, ending on the Twentieth Day of *November*, nor to receive from any Depositor any Sum or Sums of Money whatever, which shall make the Sum to which such Depositor shall be entitled exceed the Sum of One hundred and fifty Pounds in the whole: Provided always, that whenever the Sum or Sums standing in the Name of any Depositor shall amount in the whole to Two hundred Pounds, Principal and Interest included, that thenceforth no Interest shall be payable on any such Deposit so long as it shall continue to amount to the said Sum of Two hundred Pounds.

XXXVI. And

XXXVI. And be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent the Trustees of any Savings Bank from paying Interest to any Depositor whose Deposit shall, on the Day of the passing of this Act, amount to or exceed the Sum of Two hundred Pounds. Not to affect Deposits of 200*l.* at the passing of this Act.

XXXVII. Provided always, and be it further enacted, That the said Trustees shall not receive from any such Depositor any fresh or additional Deposit, so long as the Sum or Sums to which such Depositor shall be entitled shall amount to or exceed the Sum of One hundred and fifty Pounds. Trustees not to receive from Persons whose Deposit amounts to 150*l.*

XXXVIII. And be it further enacted, That it shall be lawful for any Depositor, after having withdrawn any Sum or Sums of Money from and out of any Savings Banks, to re-deposit in any such Savings Bank, at any Time or Times within any One Year, reckoning from the Twentieth Day of *November*, any Sum or Sums of Money, provided such Sum or Sums of Money re-deposited, and any previous Deposit or Deposits which shall have been made by such Depositor in the Course of the Year, taken together, shall not exceed at any Time in such Year the Sum of Thirty Pounds additional Principal Money bearing Interest; and the Trustees and Managers of Savings Banks are hereby prohibited from receiving from any Depositor any Sum or Sums which shall make the said Depositor entitled at the End of such Year to more than the said additional Sum of Thirty Pounds within Twelve Calendar Months, reckoning from the Twentieth Day of *November* as aforesaid. Depositors may withdraw their Deposits, and again subscribe, provided the same does not in any One Year exceed 30*l.*

XXXIX. Provided always, and be it further enacted, That at any Time after the passing of this Act it shall and may be lawful for any Depositor in any Savings Bank to withdraw from such Savings Bank the Whole of his or her Deposits and Interest thereon at any One Time (but not in Parts or Shares), for the Purpose of investing the same in any other Savings Bank; and in such Case it shall be lawful for the Trustees or Managers of any such Savings Bank from which such Deposit shall be intended to be withdrawn, or any One or more of them, and they are hereby required, to grant to any such Depositor a Certificate, under the Hands of such One or more Trustee or Trustees, Manager or Managers respectively, attested by the Secretary or Actuary of such Savings Bank, and such Certificate shall state the whole Amount of the Deposit and Interest due to such Depositor in such Savings Bank, and shall be in such Form as shall be directed or approved of by the Commissioners for the Reduction of the National Debt, or their Officer; and upon the Production of such Certificate, signed as herein-before directed, to the Trustees or Managers of the Savings Bank into which such Deposit and Interest is intended to be removed, the Person applying shall, and he or she is hereby required to indorse his or her Name on the Back of such Certificate, in the Presence of One or more of the Trustees or Managers of such Savings Bank, and such Indorsement shall be attested by One of such Trustees or Managers; and if such Trustee or Trustees, or Manager or Managers, shall be satisfied that such Certificate is authentic, and that no Abuse is intended thereby, it shall and may be lawful Deposits may be withdrawn from one Savings Bank to be placed in another.

lawful for the Trustees or Managers of such Savings Bank to receive the Sum specified in such Certificate, and to place the same to the Account of the Person therein described in the Books of such Savings Bank, any thing in this Act to the contrary thereof notwithstanding: Provided always, that previous to such Investment a like Declaration shall be made by the Person applying to make such Deposit as is required in other Cases of making Deposits in Savings Banks according to the Provisions contained in this Act, and such Person shall be considered in all respects as an original Subscriber to such Savings Bank, and shall be liable to all such Rules, Regulations, and Restrictions as an original Subscriber to such Bank.

Depositor dying leaving any Sum exceeding 50*l.* the same not to be paid until after Administration.

XL. And be it further enacted, That in case any Depositor in the Funds of any Institution taking the Benefit of this Act shall die, leaving any Sum or Sums of Money in the said Funds, or any Dividends or Interest due thereon, belonging to him or her at the Time of his or her Death, exceeding in the whole the Sum of Fifty Pounds, the same shall not be paid to any Person or Persons as Representative or Representatives of such Depositor, but upon the Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects: Provided always, that where the whole Estate or Effects of any such deceased Depositor, for or in respect of which any Probate or Letters of Administration respectively shall be granted, shall not exceed the Value of Fifty Pounds, no Stamp Duty shall be chargeable thereon, nor upon any Legacy or Residue or Part thereof bequeathed, nor upon any Share or Part of the Estate or Effects to be paid or distributed by or under such Probate or Letters of Administration: Provided also, that in every such Case the Person or Persons claiming such Probate or Letters of Administration free from Stamp Duty under this Act, shall exhibit to the Court or Person having Authority to grant the Probate or Letters of Administration in such Case, a Certificate of the Amount and Value of the Share and Interest which the deceased Depositor had in the Funds of the said Institution, which Certificate shall be granted in such Form and Manner as shall have been settled by the Rules or Regulations of the Institutions respectively, and shall be signed or testified by such Person or Persons as shall be directed therein; and every such Certificate shall be taken and received, by the Court or Person having Authority to grant such Probate or Letters of Administration, as Evidence of the Amount and Value of the Shares and Interests of the deceased Depositor in the Funds of the said Institution.

No Duty to be paid on Probate where the Estate is under 50*l.*

Certificate of Amount and Value of Depositor's Interest to be produced on claiming Probate, &c.

Administration Bonds, &c. for Effects under 50*l.* exempted from Stamp Duty.

XLI. And be it further enacted, That in all Cases where the whole Estate and Effects of any deceased Depositor, for or in respect of which Letters of Administration shall be granted, shall not exceed the Value of Fifty Pounds Sterling, no Stamp Duty shall be chargeable upon the Bond required to be given by the Administrator for the due Administration of the Effects of such deceased Depositor, nor upon any Affidavit or Document leading to or connected with such Administration, but that every such Bond and Affidavit shall be exempted from Stamp Duty in like Manner and under the like Regulations as are provided in and by this Act with respect to such

Letters of Administration: Provided always, that in case any Depositor in the Funds of any such Institution shall die, leaving a Sum of Money in the said Fund, which, with the Interest thereon, shall not exceed in the whole Fifty Pounds, it shall be lawful for the Trustees or Managers of such Institution, and they are hereby authorized and permitted, in case such Trustees or Managers shall be satisfied that no Will was made and left by such deceased Depositor, and that no Letters of Administration will be taken out of the Goods and Chattels of such Depositor, to pay the same at any Time after the Decease of such Depositor, according to the Rules and Regulations of the said Institution; and in the Event of there being no Rules and Regulations made in that Behalf, then the said Trustees or Managers are hereby authorized and permitted to pay and divide the same to and amongst the Person or Persons entitled to the Effects of the deceased Intestate, according to the Statute of Distributions.

Where the Effects of a Person dying Intestate shall not exceed 50*l.* the same may be divided according to the Rules of the Institution, &c.

XLII. And be it further enacted, That whenever any Trustees or Managers of any Savings Bank, at any Time after the Decease of any Depositor, have paid and divided any Sum of Money not exceeding Fifty Pounds to or amongst any Person or Persons who shall, at the Time of such Payment, appear to such Trustees or Managers to be entitled to the Effects of any deceased intestate Depositor, according to the Statute of Distributions, or according to the Rules and Regulations of any such Savings Banks, the Payment of any such Sum or Sums of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased intestate Depositor, or as the lawful Representative or Representatives of such Depositor, against the Funds of such Savings Bank, or against the Treasurer or Trustees or Managers thereof; but nevertheless such next of Kin or Representatives shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payment to Persons appearing to be next of Kin declared valid.

Remedy for next of Kin.

XLIII. And be it further enacted, That Payment of any Money by any such Institution as aforesaid, to any Person or Persons having any Letters of Administration or Probate of any such Will or testamentary Disposition granted by any Ecclesiastical Court, and appearing to be in force, shall be valid and effectual with respect to any Demand of any other Person or Persons, as the lawful Representative or Representatives of such Depositor, against the Funds of such Institution, or against the Treasurer, Trustees, or Managers thereof; but nevertheless such lawful Representative or Representatives shall have Remedy for such Money or Securities for Money so paid or transferred as aforesaid, against the Person or Persons who shall have received the same.

Payments under Probates of Wills, &c. appearing to be in force shall be valid.

XLIV. And be it further enacted, That no Power, Warrant, or Letter of Attorney, granted or to be granted by any Person or Persons, or Trustee or Trustees of any Institution established under this Act, nor any Power, Warrant, or Letter of Attorney given by any Depositor or Depositors in the Funds of such Institution to any other Person or Persons, authorizing him, her, or them to make any Deposit or Deposits of any Sum or Sums of Money in the said Funds on

Powers of Attorney, &c. given by Trustees or Depositors, not liable to Stamp Duty.

on behalf of the said Depositor or Depositors, or to sign any Document or Instrument required by the Rules or Regulations of such Institution to be signed on making such Deposits, or to receive back any Sum or Sums of Money deposited in the said Funds, or the Dividends or Interest arising therefrom, nor any Receipt nor any Entry in any Book of Receipt for Money deposited in the Funds of any such Institution, nor for any Money received by any Depositor, his or her Executors or Administrators, Assigns or Attornies, from the Funds of such Institution, nor any Draft or Order, nor any Appointment of any Agent or Agents, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any other Instrument or Document whatever required or authorized to be given, issued, signed, made, or produced in pursuance of this Act, shall be subject or liable to or charged with any Stamp Duty or Duties whatsoever.

Where Disputes arise, same to be referred to Arbitrators; and in case of their not agreeing, to be settled by a Barrister.

XLV. And be it further enacted, That if any Dispute shall arise between any such Institution, or any Person or Persons acting under them, and any individual Depositor therein, or any Executor, Administrator, next of Kin, or Creditor of any deceased Depositor, or any Person claiming to be such Executor, Administrator, next of Kin, or Creditor, then and in every such Case the Matter so in dispute shall be referred to the Arbitration of Two indifferent Persons, one to be chosen and appointed by the Trustees or Managers of such Institution, and the other by the Party with whom the Dispute arose; and in case the Arbitrators so appointed shall not agree, then such Matter in dispute shall be referred in Writing to the Barrister at Law so to be appointed by the said Commissioners as aforesaid, who shall receive a Fee of not more than One Guinea; and whatever Award, Order, or Determination shall be made by the said Arbitrators, or by the said Barrister, shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes, without any Appeal; and the said Award, Order, or Determination shall declare by whom the said Fee payable to the said Barrister shall be paid; and no Submission to, or Award, Order, or Determination of the said Arbitrators, or of the said Barrister, shall be subject or liable to or charged with any Stamp Duty or Duties whatever.

Trustees of Banks shall make up annually Accounts of their Progress, &c. and transmit the same to the Commissioners for Reduction of the National Debt.

XLVI. And for the more effectually ascertaining from Time to Time the actual and progressive State of the several Savings Banks respectively, be it enacted, That the Trustees or Managers of any Savings Bank shall annually cause a General Statement of the Funds of such Savings Bank, invested in the Bank of *England* or the Bank of *Ireland* in the Names of the Commissioners for the Reduction of the National Debt, to be prepared, up to the Twentieth Day of *November* in each Year, showing the Balance or Principal Sum due to all the Depositors collectively in such Savings Bank, and a Statement of the Expences incurred, and stating in whose Hands such Balance shall then be remaining; and every such annual Statement shall be attested by Two Managers or Two Trustees, or by One Manager and One Trustee of such Savings Bank; and every such annual Statement shall be countersigned by the Secretary or Actuary of such

such Savings Bank; and all such annual Statements shall be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in *London* or *Dublin* (as the Case may be), within Six Weeks next after the Twentieth Day of *November* in each Year; and in case the Trustees of any such Savings Bank shall neglect or refuse to make out and transmit such Account as aforesaid, or in case any such Trustees shall at any Time neglect or refuse to obey any Orders or Directions given by the said Commissioners, or through their Officer, pursuant to the Directions of this Act, it shall and may be lawful for the said Commissioners to close the Account of the Trustees of such Savings Bank, and to discontinue the keeping any further Account with the Trustees of such Savings Bank, and to direct that no further Sum shall be received at the Bank of *England* or at the Bank of *Ireland* from the Trustees of such Savings Bank, to the Account of the said Commissioners, until such Time as such Commissioners shall think fit: Provided always, that it may be lawful for the said Commissioners to re-open such Account, and to allow the growing Interest of such Account during the Time of such Discontinuance, and to authorize the Receipt of Money at the Banks of *England* or *Ireland*, whenever such Commissioners shall think fit to do so, upon such Trustees complying with the Directions of such Commissioners or their Officer.

If Trustees neglect to transmit such Accounts, or to obey any Orders, Commissioners may close their Accounts, &c.

XLVII. And be it further enacted, That the Trustees or Managers of every such Savings Bank shall cause a Duplicate of every such annual Statement, accompanied by a List of the Trustees and Managers of such Institution for the Time being, attested and countersigned as aforesaid, to be publicly affixed and exhibited in some conspicuous Part of the Office or Place where the Deposits of such Savings Bank are usually received, for the Information of all Persons making Deposits therein, and every such Duplicate shall from Time to Time remain so affixed and exhibited until the ensuing annual Statement shall in like Manner be affixed and exhibited as aforesaid; and every Depositor shall be entitled to receive from the said Institution a printed Copy of such annual Statement on Payment of One Penny.

A Duplicate of such Account shall be affixed in the Office of the Savings Bank.

XLVIII. And be it further enacted, That from and after the passing of this Act the following Accounts shall be prepared by the said Commissioners, and shall be annually laid before both Houses of Parliament on or before the Twenty-fifth Day of *March* in every Year, if Parliament shall be sitting, and if Parliament shall not be sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament; that is to say, Accounts, made up to the Twentieth Day of *November* then next preceding, of the Gross Amount of all Sums received and credited, including Interest, and of all Sums paid, including Interest, from the Sixth Day of *August* in the Year of our Lord One thousand eight hundred and seventeen up to such Twentieth Day of *November*, by the said Commissioners, on account of the Trustees of the several Savings Banks in *England* and *Ireland*, and also on account of any Friendly Societies in *England* respectively, and of the Gross Amount of all Sums, Stock, Funds, Annuities, and Exchequer Bills standing in the Names

Accounts to be annually laid before Parliament by Commissioners for the Reduction of the National Debt.

of such Commissioners on the Twentieth Day of *November* on account of any such Savings Banks or Friendly Societies respectively, and the Sums paid for the Purchase of such Stocks, Funds, or Exchequer Bills, and the Gross Amount of the Interest or Dividends received thereon by the said Commissioners, and the Gross Amount of the Interest paid by such Commissioners up to such Twentieth Day of *November* on all Receipts issued to the Trustees of any such Savings Bank or Friendly Societies in *England* and *Ireland* respectively; and also an Account of all Expences incurred by the said Commissioners for Salaries of Clerks, or other incidental Charges, during the preceding Year.

Savings Banks shall compute Interest to 20th May and 20th Nov. half-yearly or yearly.

XLIX. And for the Purpose of rendering the Accounts of the several Savings Banks in *England* and *Ireland* uniform and correspondent with the Accounts of the Commissioners for the Reduction of the National Debt, be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and twenty-eight, the Interest or Dividends due to each Depositor in each Savings Bank in *England* shall be computed half-yearly to the Twentieth Day of *May* and the Twentieth Day of *November*, or yearly to the Twentieth Day of *November* in each Year, or up to such Period nearest to such Twentieth Day of *May* or Twentieth Day of *November* as such Interest shall be payable, according to the Rules or Regulations of such Savings Banks respectively, and to no other Periods.

Commissioners may purchase Exchequer Bills.

L. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to lay out, from Time to Time, (if they shall deem it expedient, and under such Regulations as the said Commissioners shall direct,) the Whole or any Part of the Monies which shall be standing in their Names in the Books of the Banks of *England* and *Ireland* respectively, in pursuance of this Act, in the Purchase of Exchequer Bills held by the said Banks respectively or by the Public, as the Case may be; and the said Commissioners shall be entitled to receive, for the Sum or Sums laid out by them in Exchequer Bills, such an Amount of Three Pounds *per Centum* Consolidated or Reduced Annuities, transferrable at the Bank of *England*, as the said Sum or Sums of Money would have bought if the same had been applied to the Purchase of Three Pounds *per Centum* Annuities, estimating the Amount of such Annuities at the quarterly Average Price of Three Pounds *per Centum* Annuities which shall have been purchased with the Monies commonly called the Sinking Fund in the same Quarter of the Year in which such Exchequer Bills shall have been purchased; and the said Three Pounds *per Centum* Annuities, and the Dividends arising thereon from Time to Time, shall constitute and form Part of the Funds belonging to the said Commissioners on account of the said Savings Banks, and shall be subject to the same Provisions and to the same and the like Purposes as all other Capital Stocks and Dividends standing in their Names on the said Account shall and may be subject and liable to; and the Accountant General of the said Governor and Company shall, within Five Days after such Entry shall have been made as aforesaid, certify

to the said Commissioners the Amount of the Three Pounds *per Centum* Annuities so placed upon their said Account under the Provisions of this Act.

The Comptroller General to certify to the Treasury, quarterly, the Amount of Principal and Interest paid for Exchequer Bills.

LI. And be it further enacted, That the Comptroller General or Assistant Comptroller acting under the said Commissioners shall, at the End of every Quarter of the Year in which such Exchequer Bills shall have been purchased by or on account of the said Commissioners as aforesaid, certify to the Lords Commissioners of His Majesty's Treasury the Amount of the Principal and Interest paid for the same (and also the Amount and Description of Three Pounds *per Centum* Annuities which might have been purchased with such Principal and Interest, estimated at the quarterly Average Price of Three Pounds *per Centum* Annuities as aforesaid); and thereupon it shall and may be lawful for the said Lords Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required, by Warrant under their Hands, from Time to Time to order and direct the said Governor and Company of the Bank of *England* to direct their Accountant General to enter and place to the Credit of the said Commissioners, upon the Account standing in their Names in the Books of the said Bank, under the Title of "The Fund for the Banks for Savings," the Amount of the Three Pounds *per Centum* Consolidated or Reduced Annuities (as the Case may be) contained from Time to Time in every such Certificate; the first half-yearly Payment of the Dividends whereof shall commence from the Day on which the last half-yearly Dividends were due and payable on the said Three Pounds *per Centum* Consolidated or Reduced Annuities, as the Case may be.

3*l.* per Centum Annuities created by Purchase of Exchequer Bills to be chargeable upon the Consolidated Fund.

LII. And be it further enacted, That the Three Pounds *per Centum* Annuities which shall be created from Time to Time by the Purchase of Exchequer Bills under and by virtue of this Act, shall be deemed and taken to be, and shall from Time to Time be added to, and shall form Part of the Capital of the Three Pounds *per Centum* Consolidated or Reduced Annuities (as the Case may be) transferrable at the Bank of *England*, and the Dividends arising thereon shall, as the same shall become due, be charged upon and be payable out of, and the same are hereby made chargeable upon, the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Exchequer Bills to be delivered to the Paymaster of Exchequer Bills, to be cancelled, &c.

LIII. And be it enacted, That it shall and may be lawful for the said Commissioners to cause all or any Part of the Exchequer Bills purchased by them, or on their Account, under the Provisions of this Act, to be delivered to the Paymasters of Exchequer Bills, to be cancelled, within Five Days after the Expiration of the Quarter of the Year in which such Bills shall have been so purchased; and the said Paymasters are in such Case hereby required, upon the Delivery thereof, to cancel the same accordingly; and it shall and may be lawful to the said Commissioners to exchange from Time to Time any Part of such Exchequer Bills, not so delivered to be cancelled, for new Bills of the like Amount (if they shall deem it expedient to do so), according to the usual Course of the Exchequer, any thing

thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners may sell any Part of the Bank Annuities.

LIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to sell from Time to Time, if they shall deem it expedient, any Part of the said Bank Annuities which shall be standing in their Names in the Books of the Bank of *England* and *Ireland* respectively, in pursuance of the said recited Acts or this Act, and to apply the Whole or any Part of the Monies produced by such Sale or Sales in the Purchase of Exchequer Bills, in the same Manner and under the same Regulations and Provisions as any other Monies are authorized by this Act to be so invested by the said Commissioners.

Treasury may issue Exchequer Bills on Application of Commissioners for the Reduction of the National Debt, for Payments to Savings Banks.

LV. And be it further enacted, That it shall and may be lawful for the said Commissioners, or for the proper Officer or Officers of the said Commissioners, from Time to Time, to make Application to the Lord High Treasurer or to the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, stating and certifying what Sum of Money may be required for satisfying any Demands which shall from Time to Time be made upon the said Commissioners for the Reduction of the National Debt by the Trustees of any Savings Bank or Friendly Society in *England* or *Ireland*, and thereupon it shall and may be lawful for the Lord High Treasurer or Commissioners of the said Treasury, or any Three of them, in case they shall think fit and proper so to do, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer in *Great Britain*, for such Sum or Sums of Money as shall be from Time to Time stated and certified in any such Application of the said Commissioners, or their Officer or Officers under the Direction of the said Commissioners, or for any Part of any such Sum or Sums; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed and directed in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying of Exchequer Bills.*

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Banks of England or Ireland may make Advances to Commissioners upon such Exchequer Bills.

LVI. And be it further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* and Bank of *Ireland* respectively from Time to Time to advance to the said Commissioners for the Reduction of the National Debt such Sum or Sums of Money, on the Credit of such Exchequer Bill or Bills issued to or purchased by the Commissioners under the Provisions of this Act as aforesaid, at such Time or Times, and under such Regulations for the Purposes of this Act, as shall be agreed upon by the said Commissioners and the said Governor and Company of the Banks of *England* and *Ireland* respectively, and at such Times as the said Commissioners shall from Time to Time require; any Law or Statute to the contrary thereof in anywise notwithstanding.

LVII. And

How such Exchequer Bills shall be paid off by Commissioners for Reduction of the National Debt.

LVII. And be it further enacted, That the Principal Sum of every such Exchequer Bill which shall have been issued to the said Commissioners upon their Application, for the Purposes herein-before directed, and upon which any Sum of Money shall have been so advanced by the Governor and Company of the Banks of *England* or of *Ireland* respectively, under the Provisions of this Act, shall, together with all Interest due thereon, be discharged from Time to Time by the said Commissioners for the Reduction of the National Debt, in such Portions as the said Commissioners shall deem fit and expedient, with and out of any Monies invested from Time to Time by the Trustees of any Savings Banks or Friendly Societies in *England* or *Ireland* respectively, and carried to the Credit of the said Commissioners on account of any such Savings Banks or Friendly Societies, or by the Sale of any Bank Annuities, or with and out of the Monies or Funds commonly called the Sinking Fund, standing in the Names of the said Commissioners in the Books of the Governor and Company of the Banks of *England* or *Ireland* respectively, or by all or either of such Means of Repayment as the said Commissioners shall deem most proper and convenient; and that immediately upon any such Payment being made by the said Commissioners for the Reduction of the National Debt, Exchequer Bills to the Amount of the Principal Sum so paid off and discharged shall be delivered up to the said Commissioners by the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively; and the said Commissioners shall forthwith cause the said Exchequer Bills to be delivered to the Paymasters of Exchequer Bills, to be cancelled: Provided always, that whenever the Principal Sum of any such Exchequer Bill or Bills shall have been discharged and paid off by any Sum or Sums of Money advanced from the Sinking Fund, and under the Provisions of this Act, the said Commissioners shall cause their Agent or proper Officer to transfer from any Account standing in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of *England*, or from any Accounts standing in their Names in the Books of the Bank of *Ireland*, under or by virtue of this Act, or of any Act or Acts relating to Savings Banks or Friendly Societies, as the Case may be, into the Account standing in the Names of the said Commissioners in the Books of the Bank of *England* or Bank of *Ireland* respectively, under the Title of "The Account of the Commissioners appointed by Act of Parliament for applying certain Sums of Money annually to the Reduction of the National Debt," such an Amount of Stock as shall produce, by Computation, the Principal Sum and Interest of all such Exchequer Bills so paid off and discharged; and the said Computations shall be made by the proper Officer or Officers of the said Commissioners, according to the Price at which such Stock shall have been purchased by the said Commissioners on the Day of transferring the said Amount of Stock as aforesaid; and upon every such Transfer of Stock being made as herein-before directed, the Accountant General of the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively shall thereupon transmit to the Office of the said Commissioners for the Reduction of the National Debt a Certificate of every such Transfer, containing the Amount and Description of Stock so transferred.

Regulations to be observed when such Bills are paid off by Advances from the Sinking Fund.

Commissioners for Reduction of the National Debt may keep a Balance in the Bank of England for Drafts which may be drawn.

LVIII. And whereas it is expedient to provide more effectually in certain Cases for the Payment of any Draft or Drafts which may be drawn upon the said Commissioners by the Trustees of any Savings Bank in *Ireland* in pursuance of this Act; be it enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, and they are hereby authorized and empowered, to pay into the Bank of *England*, from Time to Time, any Sum or Sums of Money to be placed to their Credit in Account with the Governor and Company of the Bank of *Ireland*, on account of the Fund for the Banks for Savings, under such Regulations as shall or may be agreed upon from Time to Time between the said Commissioners and the said Governor and Company of the Bank of *Ireland*; and all Sums of Money so placed to the said Commissioners Credit as aforesaid shall be carried to the Account of the said Commissioners, by the Cashiers of the said Governor and Company of the Bank of *Ireland*, standing in the Books of the said Bank under the Title of "The Fund for the Banks for Savings," and shall be subject and shall be applied to the several Purposes herein-before mentioned, as if every such Sum and Sums of Money had been originally paid into the Bank of *Ireland* to the said Account under the Provisions of this Act.

Receipts, &c. shall be in the Form approved by Commissioners.

LIX. And be it further enacted, That all Receipts, Orders, Certificates, Indorsements, Accounts, Returns, or Instruments, or other Matters or Things whatsoever, which shall be required for carrying into Execution this Act, shall be made in such Form and Manner, and containing such Particulars, and under such Regulations, as shall from Time to Time be directed or required or approved of by the said Commissioners, or their Officer or Officers.

Indemnity to Commissioners, and Banks of England and Ireland.

LX. And be it further enacted, That this Act shall be and the same is declared to be a full and sufficient Indemnity and Discharge to the Commissioners for the Reduction of the National Debt, and to the Governor and Company of the Bank of *England* and Bank of *Ireland* respectively, and their Officers, for all Things to be done or required, or permitted to be done, pursuant to this Act.

Commissioners may employ Clerks, &c.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, to appoint a Barrister at Law, and employ such and so many of the Clerks and other Officers as shall be necessary for carrying into Execution the Purposes of this Act; and that it shall and may be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and empowered, to settle and appoint such Allowances as shall be proper for the Services, Pains, and Labour of such Clerks, or other Persons to be appointed and employed by the said Commissioners, in manner and for the Purposes aforesaid; and out of the Fund upon which the Establishment of the said Commissioners is chargeable by any Act now in force, to pay and discharge all such Allowances and all other incidental Charges which shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Treasury may pay them, and discharge incidental Expences.

LXII. And be it further enacted, That this Act shall extend to all Savings Banks established, or hereafter to be established, in *England* and *Ireland*, and not elsewhere; and be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially shown or pleaded. Act to extend to all Savings Banks in England and Ireland.

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ANNO NONO

GEORGII IV. REGIS.

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CAP. XCIII.

An Act to allow Sugar to be delivered out of Warehouse to be refined. [28th *July* 1828.]

WHEREAS it is expedient to permit, for a Time to be limited, and in limited Quantities, Foreign Sugar to be used in Refineries employed in refining Sugar for Exportation: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application of any Person actually carrying on the Business of a Sugar Refiner in the Ports of *London*, *Liverpool*, *Bristol*, or *Glasgow*, and having Two Pans at least at work upon the same Premises, it shall be lawful for the Officers of the Customs at those Ports respectively, at any Time before the Fifth Day of *July* One thousand eight hundred and twenty-nine, to deliver to such Person any Quantity of Foreign Sugar, or of Sugar the Produce of the *East Indies*, not exceeding the Quantity herein-after expressed, to be by him refined, under the Regulations and upon the Conditions herein-after mentioned, and upon Payment of the following Duties; (that is to say,)

Foreign Sugar may be delivered to be refined until July 1829, on Payment of the Duties herein mentioned.

DUTIES on SUGAR delivered to be refined under the Provisions of this Act.

	£	s.	d.
Brown or Muscovado or Clayed Sugar, not being of greater Value than the Average Price of Sugar of the *British* Plantations in *America* - - - - the Cwt.	1	7	0
- - - - and further, in respect of every Shilling by which such Sugar shall be of greater Value than such Average Price - - - - the Cwt.	0	0	9

Mode of ascertaining Average Price of Sugar.

II. And in order that the proper Duties imposed by this Act may be ascertained, be it further enacted, That the Prices of Brown or Muscovado Sugar, the Produce of the *British* Possessions in *America*, shall from Time to Time be ascertained and taken in manner hereinafter mentioned; (that is to say,) every Importer or Importers of such Sugar within the City of *London* or the Bills of Mortality, who shall, after the Fifth Day of *August* One thousand eight hundred and twenty-eight, by himself or themselves, his or their Sworn Broker or any other Agent acting in his or their Behalf, buy or sell any such Brown or Muscovado Sugar, shall and is hereby required, by himself or themselves, his or their Sworn Broker or any other Agent acting in his or their Behalf, to deliver in, upon Oath before the Lord Mayor or any of the Aldermen of the said City of *London* (which Oath the said Lord Mayor or Aldermen are hereby respectively authorized to administer), to the Clerk of the Grocers Company now and for the Time being, on or before *Tuesday* in every Week, a true Account of the Quantities of such Brown or Muscovado Sugar bought or sold by him or them, his, her, or their Sworn Broker or any other Agent acting in his or their Behalf, in the preceding Week, specifying the Name of the Ship in which such Sugar was imported, and the Name of the Master of such Ship, and also the Marks and Packages, and the Sum Total of the net Landing Weights of such Sugar, as far as the same can be made out, and the Price paid for each Quantity respectively, exclusive of the Duty of Customs; and the said Clerk of the Grocers Company shall and he is hereby required to compute and make up in every Week, from the Accounts so delivered to him of the said Quantities and Prices of such Sugar bought or sold by the said Importer or Importers, his or their Sworn Broker or any other Agent acting in his or their Behalf, in the Week immediately preceding, the Average Price of such Sugar, and shall cause such Average Price to be published every *Friday* in the *London Gazette;* and such Average Price shall be deemed and taken to be the Price of Brown or Muscovado Sugar for the Purposes of this Act.

A Register or Book of the Average Prices to be kept by the Clerk of the Grocers Company.

III. And be it further enacted, That a Register or Book shall be kept by the said Clerk of the Grocers Company, containing all the Accounts so received by him from Time to Time from the Importer or Importers, his or their Sworn Broker or any other Agent acting in his or their Behalf, and of the Average Prices by him computed and made up from the same; which Register or Book shall and may at convenient Times be inspected by any Person or Persons whatever, upon paying the Fee of One Shilling and no more for the same.

Penalty on Clerk neglecting to do what is herein required.

IV. And be it further enacted, That if the said Clerk of the Grocers Company shall neglect to do and perform what he is required by this Act to do and perform, he shall forfeit and pay for every such Neglect the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or any more than One Imparlance, shall be granted or allowed.

Penalty on Importers or Brokers

V. And be it further enacted, That if any Importer or Importers, or any Sworn Broker or other Agent acting in his or their Behalf,

shall refuse or neglect to deliver in upon Oath a true Account of the Quantities of Brown and Muscovado Sugar by him bought or sold, specifying the Name of the Ship in which such Sugar was imported, and the Name of the Master of such Ship, and also the Marks and Packages, and the Sum Total of the net Landing Weights of such Sugar, as far as the same can be made out, and the Price paid for each Quantity respectively, as herein-before required, he, they, or any of them, being the actual Buyer or Seller of such Sugar, shall forfeit and pay for every Cask of Sugar for which he or they shall so refuse or neglect to deliver in an Account, the Sum of Five Pounds, to any one who will prosecute and sue for the same, to be recovered before the Lord Mayor or any Aldermen of the said City, on the Oath of any One or more credible Witness.

Failing to make true Returns.

VI. And be it further enacted, That it shall be lawful for the Officers of the Customs to detain any Sugar entered for the Payment of such Duties, and within Five Days from the Time of such Detention to take the same for the Use of the Crown; and for every Hundred Weight of Sugar which shall be so taken there shall be paid to the Proprietor thereof, in full Satisfaction for the same, a Sum of Money to be computed in manner following; (that is to say,) if such Sugar shall have been entered as not being of greater Value than the Average Price of *British* Plantation Sugar, then the Sum to be paid shall be Two Shillings the Hundred Weight less than such Average Price; and if such Sugar shall have been entered as being of greater Value than such Average Price, then there shall be added to such Sum the Number of Shillings by which such Sugar shall have been entered as being of greater Value than such Average Price; and there shall also be returned to such Proprietor the Duty which had been paid upon the Entry of such Sugar.

Sugar entered for the Payment of Duty may be seized, making Satisfaction to the Proprietor.

VII. And be it further enacted, That upon the Entry of any Sugar for Duty, under the Authority of this Act, the Person entering the same shall give Bond to the Satisfaction of the Officers of the Customs, in the Penalty of Twenty Shillings for every One Hundred Weight of such Sugar, that the whole of such Sugar shall be actually subjected to the Process of Refinement, and that within Four Months from the Date of such Bond, for every Hundred Weight of Sugar so entered and taken to be refined, there shall be by him exported, or delivered into Warehouse to be exported, One hundred and Seven Pounds of Refined Sugar and Treacle in the following relative Proportions; (that is to say,) if such Sugar shall be entered as not being of greater Value than the Average Price of Sugar as aforesaid, then there shall be so exported or delivered Sixty-one Pounds of Refined Sugar in Loaves or Lumps, Eighteen Pounds of Bastard Sugar, and Twenty-eight Pounds of Treacle; and for every Shilling by which such Sugar shall be entered as being of greater Value than such Average Price there shall be so exported or delivered Three Pounds the more of Refined Sugar in Loaves or Lumps, and One Pound the less of Bastard Sugar, and Two Pounds the less of Treacle: Provided always, that no Entry for any such Sugar shall be made except in the Name of the Refiner on whose Premises the same is to be refined, nor unless the Situation of such Premises be stated in such Entry.

Bond to be entered into for duly exporting such Sugar when refined.

VIII. And

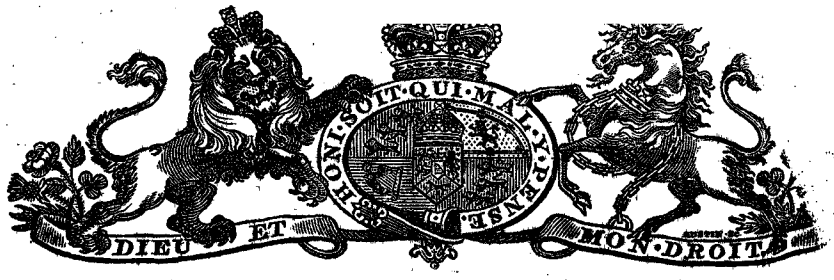
Packages of Sugar to be marked before Delivery.

VIII. And be it further enacted, That before any Package of Sugar be delivered for the Purposes of this Act, the Officers of the Customs shall mark the same in some conspicuous Manner, and shall also upon Request deliver to the Carrier of the same a Cartage Note, setting forth the Particulars of every Package so delivered, the Time of Delivery, and the Description or Situation of the Premises to which the same is to be conveyed; and if any Sugar delivered for the Purposes of this Act be found without such Mark on the Package, or removing without a proper Cartage Note for the same, or unloading at any Place other than the Place to which it ought to have been taken, or out of the Line of Road leading to such Place, such Sugar shall be forfeited, and the Person to whom such Sugar was delivered to be refined shall also forfeit the Sum of One hundred Pounds in respect of every Package of Sugar so forfeited or liable to Forfeiture as aforesaid.

Limiting the Quantity of Sugar to be delivered to One Person.

IX. And be it further enacted, That no greater Quantity of Sugar shall be delivered, under the Authority of this Act, to any Person, so as to be at any One Time in his Possession, than One thousand Hundred Weight for every Pan actually at work upon his Premises: Provided always, that every Quantity of Refined Sugar by him exported, or warehoused to be exported, shall be deemed to be Sugar no longer in his Possession, and shall be deducted from the Quantities which had been delivered to him as aforesaid.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.



ANNO NONO

GEORGII IV. REGIS

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CAP. XCIV.

An Act for rendering valid Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferments, in certain specified Cases.

[28th *July* 1828.]

WHEREAS it is expedient that certain Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferments, should be rendered valid in the Cases and subject to the Limitations herein-after specified; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Engagement by Promise, Grant, Agreement, or Covenant, which shall be really and *bonâ fide* made, given, or entered into at any Time after the passing of this Act, for the Resignation of any Spiritual Office, being a Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, to the Intent or Purpose, to be manifested by the Terms of such Engagement, that any One Person whosoever, to be specially named and described therein, or One of Two Persons to be specially named and described therein, being such Persons as are herein-after mentioned, shall be presented, collated, nominated, or appointed to such Spiritual Office, or that the same shall be given or bestowed to or upon him, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and the Performance of the same may also be

Engagements entered into for the Resignation of any Benefice upon Notice or Request to be valid.

Proviso. be enforced in Equity: Provided always, that such Engagement shall be so entered into before the Presentation, Nomination, Collation, or Appointment of the Party so entering into the same as aforesaid.

Relationship of such Persons.

II. Provided always, and be it further enacted, That where Two Persons shall be so specially named and described in such Engagement, each of them shall be, either by Blood or Marriage, an Uncle, Son, Grandson, Brother, Nephew, or Grand Nephew of the Patron or of One of the Patrons of such Spiritual Office, not being merely a Trustee or Trustees of the Patronage of the same, or of the Person or One of the Persons for whom the Patron or Patrons shall be a Trustee or Trustees, or of the Person or One of the Persons by whose Direction such Presentation, Collation, Gift, or Bestowing shall be intended to be made, or of any Married Woman whose Husband in her Right shall be the Patron or One of the Patrons of such Spiritual Office, or of any other Person in whose Right such Presentation, Collation, Gift, or Bestowing shall be intended to be made.

No Presentation to any Spiritual Office shall be void by reason of such Agreement to resign.

III. And be it further enacted, That no Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office of or upon any Spiritual Person, to be made after the passing of this Act, nor any Admission, Institution, Investiture, or Induction thereupon, shall be void, frustrate, or of no Effect in Law for or by reason of any such Engagement so to be made, given, or entered into by such Spiritual Person, or any other Person or Persons, to or with the Patron or Patrons of such Spiritual Office, or to or with any other Person or Persons, for the Resignation of the same as aforesaid; and that it shall not be lawful for the King's most Excellent Majesty, His Heir or Successors, for or by reason of any such Engagements as aforesaid, to present or collate unto, or give or bestow such Spiritual Office; and that such Spiritual Person, and Patron or Patrons, or other Person or Persons respectively, shall not be liable to any Pains, Penalty, Forfeitures, Loss, or Disability, nor to any Prosecution or other Proceeding, Civil, Criminal, or Penal, in any Court, Ecclesiastical or Temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken such Engagement as aforesaid; and that every such Presentation or Collation, or Gift or Bestowing, to be made after the passing of this Act, and every Admission, Institution, Investiture, and Induction thereupon, shall be as valid and effectual in the Law to all Intents and Purposes whatsoever as if such Engagement had not been made, given, or entered into, or accepted or taken; any thing in an Act passed in the Thirty-first Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act against Abuses in Elections of Scholars and Presentations to Benefices*, or in any other Act, Statute, or Canon, or any Law, to the contrary in anywise notwithstanding.

Persons making such Agreement not to be liable to Penalty.

Such Presentations to be valid.

31 Eliz. c. 6.

Not to extend to any Engagements, unless the Deed be deposited within Two

IV. Provided always, and be it further enacted, That nothing in this Act shall extend to the Case of any such Engagement as aforesaid, unless one Part of the Deed, Instrument, or Writing by which such Engagement shall be made, given, or entered into, shall, within the Space of Two Calendar Months next after the Date thereof, be

deposited

deposited in the Office of the Registrar of the Diocese wherein the Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, for the Resignation whereof such Engagement shall be made, given, or entered into as aforesaid, shall be locally situate, except as to such Benefices with Cure of Souls, Dignities, Prebends, or Livings Ecclesiastical, as are under the peculiar Jurisdiction of any Archbishop or Bishop, in which Case such Document as aforesaid shall be deposited in the Office of the Registrar of that peculiar Jurisdiction to which any such Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, shall be subject; and such Registrars shall respectively deposit and preserve the same, and shall give and sign a Certificate of such Deposit thereof; and every such Deed, Instrument, or Writing shall be produced at all proper and usual Hours at such Registry to every Person applying to inspect the same; and an Office Copy of each such Deed, Instrument, or Writing, certified under the Hand of the Registrar, (and which Office Copy so certified the Registrar shall in all Cases grant to every Person who shall apply for the same,) shall in all Cases be admitted and allowed as legal Evidence thereof in all Courts whatsoever; and every such Registrar shall be entitled to the Sum of Two Shillings, and no more, for so depositing as aforesaid such Deed, Instrument, or Writing, and so as aforesaid certifying such Deposit thereof; and the Sum of One Shilling, and no more, for each Search to be made for the same; and the Sum of Sixpence, and no more, over and besides the Stamp Duty, if any, for each Folio of Seventy-two Words of each such Office Copy so certified as aforesaid.

Months with the Registrar of the Diocese or peculiar Jurisdiction wherein the Benefice is situated.

Deed to be open to Inspection; and a certified Copy to be admitted as Evidence.

Fees to Registrar.

V. And be it further enacted, That every Resignation to be made in pursuance of any such Engagement as aforesaid shall refer to the Engagement in pursuance of which it is made, and state the Name of the Person for whose Benefit it is made; and that it shall not be lawful for the Ordinary to refuse such Resignation, unless upon good and sufficient Cause to be shown for that Purpose; and that such Resignation shall not be valid or effectual, except for the Purpose of allowing the Person for whose Benefit it shall be so made to be presented, collated, nominated, or appointed to the Spiritual Office thereby resigned, and shall be absolutely null and void unless such Person shall be presented, collated, nominated, or appointed as aforesaid within Six Calendar Months next after Notice of such Resignation shall have been given to the Patron or Patrons of such Spiritual Office.

Resignation to state the Engagement, and Name of Person for whom made.

Resignation to be void, unless the Person be presented within Six Months.

VI. Provided also, and be it further enacted, That nothing in this Act shall extend to any Case where the Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office as aforesaid shall be made by the King's most Excellent Majesty, His Heirs or Successors, in right of His Crown or of His Duchy of *Lancaster*; or by any Archbishop, Bishop, or other Ecclesiastical Person, in right of his Archbishoprick, Bishoprick, or other Ecclesiastical Living, Office, or Dignity; or by any other Body Politic or Corporate, whether Aggregate or Sole, or by any other Person or Persons, in right of any

Nothing herein to extend to Presentations made by the King, &c.

any Office or Dignity; or by any Company, or any Feoffees or Trustees for charitable or other public Purposes; or by any other Person or Persons not entitled to the Patronage of such Spiritual Office as private Property.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

ANNO NONO

GEORGII IV. REGIS.

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CAP. XCV.

An Act to apply the Sums of Money therein mentioned for the Service of the Year One thousand eight hundred and twenty-eight, and to appropriate the Supplies granted in this Session of Parliament. [28th *July* 1828.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the United Kingdom of *Great Britain* and *Ireland* for the Year One thousand eight hundred and twenty-eight, the Sum of Three millions twelve thousand six hundred and fifty Pounds out of the Ways and Means in the Exchequer or to be raised on the Fifth Day of *January* One thousand eight hundred and twenty-eight for the

Towards the Supply for 1828, there shall be issued 3,012,650*l.* out of the Ways and Means in the Exchequer;

and also, 6,190,000*l.* out of the Consolidated Fund.

Service of the Year One thousand eight hundred and twenty-seven, and also the Sum of Six millions one hundred and ninety thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into the Exchequer by 9 G. 4. c. 1.; 12,000,000*l.* by Exchequer Bills, 9 G. 4. c. 2.; Monies coming into the Exchequer by 9 G. 4. c. 5.; and by 9 G. 4. c. 10.; also by 9 G. 4. c. 19.; as also by 9 G. 4. c. 30; and by 9 G. 4. c. 36.; 16,046,800*l.* by Exchequer Bills, 9 G. 4. c. 89.; and also 3,012,650*l.* and 6,190,000*l.* by this Act granted; shall be applied as hereafter expressed.

II. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act of this Session of Parliament, intituled *An Act for applying a Sum of Money for the Service of the Year One thousand eight hundred and twenty-eight*; and also the Sum of Twelve Millions granted by one other Act of this Session of Parliament, intituled *An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight*; and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act for continuing to His Majesty, for One Year, certain Duties on Personal Estates, Offices, and Pensions in* England, *for the Service of the Year One thousand eight hundred and twenty-eight*; and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act for applying certain Sums of Money to the Service of the Year One thousand eight hundred and twenty-eight*; and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act for applying a Sum of Money out of the Consolidated Fund for the Service of the Year One thousand eight hundred and twenty-eight*; and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act for applying surplus Ways and Means to the Service of the Year One thousand eight hundred and twenty-eight*; and also all the Monies coming into the said Exchequer by one other Act of this Session of Parliament, intituled *An Act for continuing to His Majesty for One Year certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and twenty-eight*; and also the Sum of Sixteen millions and forty-six thousand eight hundred Pounds, granted by one other Act of this Session of Parliament, intituled *An Act for raising the Sum of Sixteen millions and forty-six thousand eight hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and twenty-eight*; and also the Sums of Three millions twelve thousand six hundred and fifty Pounds, and of Six millions one hundred and ninety thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

There shall be issued and applied 5,995,965*l.* 7*s.* 7*d.* for Naval Services; viz.

III. And be it further enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five millions nine hundred ninety-five thousand nine hundred and sixty-five Pounds Seven Shillings and Seven-pence, for and towards the Naval Services hereinafter

after more particularly mentioned; (that is to say), any Sum or Sums of Money not exceeding Four hundred and forty-one thousand Pounds, for Wages for Thirty thousand Men, including Nine thousand Royal Marines, for Six Lunar Months, from the First Day of *January* One thousand eight hundred and twenty-eight, at the Rate of Two Pounds Nine Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Two hundred and eighty-eight thousand Pounds, for Victuals for the said Thirty thousand Men for Six Lunar Months, at the Rate of One Pound Twelve Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Two millions two hundred and eight thousand two hundred and thirty-two Pounds Thirteen Shillings and Nine-pence Halfpenny, towards defraying certain Naval Services, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Five hundred fourteen thousand and five hundred Pounds, for Wages for Thirty thousand Men, including Nine thousand Royal Marines, for Seven Lunar Months, from the Eighteenth Day of *June* One thousand eight hundred and twenty-eight, at the Rate of Two Pounds Nine Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Three hundred and thirty-six thousand Pounds, for Victuals for the said Thirty thousand Men for Seven Lunar Months, at the Rate of One Pound Twelve Shillings *per* Man *per* Month; and any Sum or Sums of Money not exceeding Eighty-nine thousand eight hundred and twenty-three Pounds Fifteen Shillings and Nine-pence Halfpenny, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of the Admiralty, Navy Pay, Navy, and Victualling Offices, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Seventy-five thousand three hundred and forty-one Pounds Five Shillings and One Penny Halfpenny, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of His Majesty's Yards at Home, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Two hundred and forty-five thousand Pounds, to complete the Sum necessary to pay the Wages of Artificers and Labourers employed in His Majesty's Yards at Home, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Four hundred twenty-five thousand seven hundred and eighty-three Pounds, to complete the Sum necessary to defray the Charge for Timber and other Materials, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to complete the Sum necessary to defray the Charge for Pilotage and other Contingencies, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-five thousand eight hundred and eight Pounds Eleven Shillings and Seven-pence Halfpenny, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of the Foreign Yards, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirty-one thousand nine hundred twenty-nine Pounds and Ten Shillings, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of the Victualling Yards, for the Year One thou-

441,000*l.* for Wages of 30,000 Men for Six Months;

288,000*l.* for their Victuals;

2,208,232*l.* 13*s.* 9½*d.* for certain Naval Services for 1828;

514,500*l.* for Wages for 30,000 Men for Seven Months;

336,000*l.* for their Victuals;

89,823*l.* 15*s.* 9½*d.* for Salaries, &c. of the Admiralty, Navy Pay, Navy, and Victualling Offices;

75,341*l.* 5*s.* 1½*d.* for Salaries, &c. of His Majesty's Yards at Home;

245,000*l.* for Wages to Artificers in ditto;

425,783*l.* for Timber and Materials;

25,000*l.* for Pilotage, &c.;

25,808*l.* 11*s.* 7½*d.* for Salaries and Expences of Foreign Yards;

31,929*l.* 10*s.* for Salaries, &c. of Victualling Yards;

30,087*l.* 18*s.* 2½*d.* for Naval Medical Establishments; thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirty thousand eighty-seven Pounds Eighteen Shillings and Two-pence Halfpenny, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of Naval Medical Establishments, for the Year One thousand eight hundred and twenty-eight;

3,213*l.* 0*s.* 8½*d.* for Royal Naval College, &c.; and any Sum or Sums of Money not exceeding Three thousand two hundred thirteen Pounds and Eight-pence Halfpenny, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expences of the Royal Naval College and School for Naval Architecture, for the Year One thousand eight hundred and twenty-eight;

52,907*l.* 12*s.* 2*d.* for Wages to Officers and Men of Vessels in Ordinary; and any Sum or Sums of Money not exceeding Fifty-two thousand nine hundred seven Pounds Twelve Shillings and Two-pence, to complete the Sum necessary to pay the Wages of the Officers, Shipkeepers, and Men of Vessels in Ordinary, for the Year One thousand eight hundred and twenty-eight;

25,719*l.* 4*s.* for Victuals for Officers and Men of Vessels in Ordinary, &c. and any Sum or Sums of Money not exceeding Twenty-five thousand seven hundred and nineteen Pounds Four Shillings, to complete the Sum necessary to defray the Charge for Victuals to the Officers and Shipkeepers of Vessels in Ordinary, also to the Officers and Men on board the Hulks and small Vessels, for the Year One thousand eight hundred and twenty-eight;

17,225*l.* for Hire of Packets; and any Sum or Sums of Money not exceeding Seventeen thousand two hundred and twenty-five Pounds, to complete the Sum necessary to defray the Expence of the Hire of Packets, for the Year One thousand eight hundred and twenty-eight;

18,267*l.* for building Ships at *Bombay* and *Bermuda*; and any Sum or Sums of Money not exceeding Eighteen thousand two hundred and sixty-seven Pounds, to complete the Sum necessary to defray the Expence of Ships building at *Bombay* and *Bermuda*, for the Year One thousand eight hundred and twenty-eight;

438,250*l.* for Half Pay to Naval Officers; and any Sum or Sums of Money not exceeding Four hundred thirty-eight thousand two hundred and fifty Pounds, to complete the Sum necessary to defray the Charge of Half Pay to Naval Officers, for the Year One thousand eight hundred and twenty-eight;

65,107*l.* 11*s.* 2*d.* for Superannuations, Pensions, &c.; and any Sum or Sums of Money not exceeding Sixty-five thousand one hundred and seven Pounds Eleven Shillings and Two-pence, to complete the Sum necessary to defray the Charge of Superannuations, Pensions, and Allowances to Naval Officers, their Widows and Relatives, for the Year One thousand eight hundred and twenty-eight;

750*l.* for Chaplains; and any Sum or Sums of Money not exceeding Seven hundred and fifty Pounds, to complete the Sum necessary to defray the Charge for Bounty to Chaplains, for the Year One thousand eight hundred and twenty-eight;

5,000*l.* for Compassionate List; and any Sum or Sums of Money not exceeding Five thousand Pounds, to complete the Sum necessary to defray the Charge of the Allowances to Widows and Orphans on the Compassionate List, for the Year One thousand eight hundred and twenty-eight;

52,500*l.* for Relief of Widows, &c.; and any Sum or Sums of Money not exceeding Fifty-two thousand five hundred Pounds, to complete the Sum necessary to make good the Deficiency in the Funds of the Charity for the Relief of the Widows of Commission and Warrant Officers of the Royal Navy, for the Year One thousand eight hundred and twenty-eight;

5,000*l.* for Widows of Marine Officers; and any Sum or Sums of Money not exceeding Five thousand Pounds, to complete the Sum necessary to defray the Charge for the Widows of Marine Officers, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred and

thirty

thirty thousand Pounds, to complete the Sum necessary to make good the Deficiency in the Funds for defraying the Charge of Out-Pensioners of *Greenwich* Hospital, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Eighty-one thousand nine hundred and fifty-eight Pounds Fifteen Shillings, to complete the Sum necessary to defray the Charge of Superannuations to Commissioners, Secretaries, Clerks, *et cetera*, and of Allowances in lieu of Half Pay to Naval Officers formerly employed in Naval Departments, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Ninety-four thousand six hundred and sixty Pounds Ten Shillings, to complete the Sum necessary to defray the Expence of Repairs and Improvements in the Dock Yards, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand and five hundred Pounds, to complete the Sum necessary to defray the Charge for the Purchase of Provisions for Troops and Garrisons on Foreign Stations, and for the Convict Service, and the Value of Rations for Troops to be embarked on board Ships of War and Transports, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred thirty-nine thousand and four hundred Pounds, to complete the Sum necessary to defray the Expence of the Transport Service, for the Year One thousand eight hundred and twenty-eight.

130,000*l.* for Out-Pensioners of *Greenwich* Hospital;

81,958*l.* 15*s.* for Superannuations, &c. in Naval Departments;

94,660*l.* 10*s.* for the Dock Yards;

129,500*l.* for Provisions on Foreign Stations, &c.;

139,400*l.* for Transport Service.

IV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight millions nine thousand three hundred and fourteen Pounds Nine Shillings and One Halfpenny, for and towards maintaining His Majesty's Land Forces, and other Services herein-after more particularly mentioned; (that is to say), any Sum or Sums of Money not exceeding Two Millions, towards defraying the Charge of His Majesty's Land Forces for Service in *Great Britain*, and on the Stations Abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), from the Twenty-fifth Day of *December* One thousand eight hundred and twenty-seven to the Twenty-fourth Day of *December* One thousand eight hundred and twenty-eight, both inclusive; and any Sum or Sums of Money not exceeding One Million, towards defraying the Charge of the Out-Pensioners of *Chelsea* Hospital, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Three hundred seventy-two thousand four hundred and ninety-nine Pounds Two Shillings and One Penny Halfpenny, to defray the Charge of the Commissariat Department, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Eight hundred and ten thousand Pounds, to defray the extraordinary Expences of the Army, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One million two hundred and ten thousand six hundred ninety-four Pounds Sixteen Shillings and Five-pence, to complete the Sum required for defraying the Charge of His Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland*, and on the Stations Abroad (excepting the Regiments em-

There shall also be issued 8,009,314*l.* 9*s.* 0½*d.* for Land Forces; viz.

2,000,000*l.* for the Forces in the United Kingdom and Stations Abroad (except the *East Indies*);

1,000,000*l.* for Out-Pensioners of *Chelsea* Hospital;

372,499*l.* 2*s.* 1½*d.* for the Commissariat Department;

810,000*l.* for extraordinary Expences of the Army;

1,210,694*l.* 16*s.* 5*d.* to complete the Charge for the Forces in the United Kingdom and Stations Abroad;

ployed in the Territorial Possessions of the *East India* Company), from the Twenty-fifth Day of *December* One thousand eight hundred and twenty-seven to the Twenty-fourth Day of *December* One thousand eight hundred and twenty-eight, both inclusive; and any Sum or Sums of Money not exceeding One hundred and thirty-six thousand nine hundred Pounds Thirteen Shillings and Eight-pence, for defraying the Charge of General and Staff Officers, and Officers of the Hospitals, serving with His Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*), for the Year One thousand eight hundred and twenty-eight;

136,900*l.* 13*s.* 8*d.* for General and Staff Officers, &c.;

and any Sum or Sums of Money not exceeding One hundred and nine thousand nine hundred and eighty-eight Pounds Nine Shillings, for defraying the Charge of the Allowances to the principal Officers of the several Public Departments in *Great Britain* and *Ireland*, their Deputies, Clerks, and contingent Expences, for the Year One thousand eight hundred and twenty-eight;

109,988*l.* 9*s.* for Allowances to the principal Officers, &c. of Public Departments;

and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and sixty Pounds Fourteen Shillings and Sixpence, for defraying the Charge of Medicines and Surgical Materials for His Majesty's Land Forces, and of certain Hospital Contingencies, for the Year One thousand eight hundred and twenty-eight;

17,760*l.* 14*s.* 6*d.* for Medicines, &c. for the Forces;

and any Sum or Sums of Money not exceeding Sixty-six thousand two hundred and twelve Pounds Eight Shillings, for defraying the Charge of Volunteer Corps in the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and twenty-eight;

66,212*l.* 8*s.* for Volunteer Corps;

and any Sum or Sums of Money not exceeding Thirty-two thousand four hundred and seventy-one Pounds Nine Shillings and Seven-pence, for defraying the Charge of Four Troops of Dragoons and Twenty Companies of Foot stationed in *Great Britain* for the Purpose of recruiting the Corps employed in the Territorial Possessions of the *East India* Company, for the Year One thousand eight hundred and twenty-eight;

32,471*l.* 9*s.* 7*d.* for the Charge of recruiting the Corps serving in *India*;

and any Sum or Sums of Money not exceeding One hundred and forty-six thousand five hundred Pounds, for defraying the Charge of the Pay of General Officers in His Majesty's Forces, not being Colonels of Regiments, for the Year One thousand eight hundred and twenty-eight;

146,500*l.* for General Officers, not being Colonels of Regiments;

and any Sum or Sums of Money not exceeding Thirty-six thousand eight hundred and ninety-eight Pounds Ten Shillings and Sixpence, for defraying the Charge of His Majesty's Garrisons at Home and Abroad, for the Year One thousand eight hundred and twenty-eight;

36,898*l.* 10*s.* 6*d.* for Garrisons at Home and Abroad;

and any Sum or Sums of Money not exceeding One hundred and twelve thousand five hundred Pounds, for defraying the Charge of Full Pay to reduced, retired, and unattached Officers of His Majesty's Forces, for the Year One thousand eight hundred and twenty-eight;

112,500*l.* for Full Pay for retired Officers;

and any Sum or Sums of Money not exceeding Seven hundred and twenty thousand two hundred and fifty Pounds, for defraying the Charge of Half Pay to reduced and retired Officers of His Majesty's Land Forces, for the Year One thousand eight hundred and twenty-eight;

720,250*l.* for Half Pay to reduced Officers;

and any Sum or Sums of Money not exceeding One hundred and one thousand four hundred and seventy Pounds, for defraying the Charge of Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, for the Year One thousand eight hundred and twenty-eight;

101,470*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps;

eight; and any Sum or Sums of Money not exceeding Forty-three thousand one hundred and thirteen Pounds Eleven Shillings and Three-pence, for defraying the Charge of Military Allowances to reduced and retired Officers of His Majesty's Land Forces, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Forty-six thousand one hundred and fifteen Pounds Two Shillings and Eleven-pence, for defraying the Charge of the In-Pensioners of *Chelsea* Hospital and of the Royal Hospital near *Kilmainham*, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Three hundred thirty-five thousand nine hundred and seventy-six Pounds Three Shillings and One Penny, to complete the Sum required for defraying the Charge of the Out-Pensioners of *Chelsea* Hospital, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred and forty-three thousand eighty-three Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred and ninety-five thousand five hundred Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Fifty-five thousand one hundred and eighty Pounds Nineteen Shillings and Eleven-pence, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Public Departments in the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirty-three thousand Pounds, for defraying the Charge of Exchequer Fees in *Great Britain* upon Issues to be made for Army Services in the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Two hundred eighty-three thousand one hundred and ninety-nine Pounds Eight Shillings and One Penny, for defraying the Charge of the Disembodied Militia of the United Kingdom of *Great Britain* and *Ireland*, for the Year One thousand eight hundred and twenty-eight.

43,113*l.* 11*s.* 3*d.* for Allowances to reduced Officers;

46,115*l.* 2*s.* 11*d.* for In-Pensioners of *Chelsea* Hospital, and of *Kilmainham*;

335,976*l.* 3*s.* 1*d.* for Out-Pensioners of *Chelsea*;

143,083*l.* for Pensions to Widows of Officers;

195,500*l.* for Compassionate List, and Pensions;

55,180*l.* 19*s.* 11*d.* for Superannuations to Persons belonging to Public Departments;

33,000*l.* for Exchequer Fees for Issues on Army Services;

283,199*l.* 8*s.* 1*d.* for Disembodied Militia.

V. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred eighty-three thousand five hundred and ninety-eight Pounds, towards defraying the Expenditure of the Ordnance Department, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-four thousand nine hundred and thirty-five Pounds, for defraying the Salaries to the Master General, Lieutenant General, and the rest of the principal Officers and Clerks belonging to the Office of Ordnance at the *Tower* and *Pall Mall*, to the End of the Year One thousand eight hundred and twenty-eight, Twenty-five thousand nine hundred and eighty-one Pounds having been already granted on account of the present Year; and any Sum or Sums of Money not exceeding Four thousand seven hundred and twenty

There shall also be issued 783,598*l.* for the Ordnance Department;

24,935*l.* for Officers, &c. of the Office of Ordnance at the *Tower* and *Pall Mall*;

4,720*l.* for the Departments, &c. at *Woolwich*;

twenty Pounds, for defraying the Salaries to the Departments of the Office of Ordnance at *Woolwich*, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight;

18,900*l.* for Civil Establishments of the Ordnance;

and any Sum or Sums of Money not exceeding Eighteen thousand nine hundred Pounds, for defraying the Salaries of the several Civil Establishments of the Office of Ordnance at the Home and on Foreign Stations, being the remaining Half to the End of the Year One

1,846*l.* for Master Gunners;

thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One thousand eight hundred and forty-six Pounds, for defraying the Expence of Master Gunners at the Garrisons and Batteries in *Great Britain*, *Guernsey*, and *Jersey*, being the remaining Half to the End of the Year One thousand eight

37,409*l.* for the Corps of Royal Engineers, Sappers, &c.;

hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirty-seven thousand four hundred and nine Pounds, for defraying the Expence of the Corps of Royal Engineers and Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners, for *Great Britain* and the Colonies, being the remaining Half to the End of the Year One

130,920*l.* for the Royal Regiment of Artillery;

thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred thirty thousand nine hundred and twenty Pounds, for defraying the Expence of the Royal Regiment of Artillery for *Great Britain*, being the remaining Half to the End

14,793*l.* for Brigade of Royal Horse Artillery;

of the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Fourteen thousand seven hundred and ninety-three Pounds, for defraying the Expence of the Brigade of Royal Horse Artillery, and also a Rocket and Riding Troop, for *Great Britain*, being the remaining Half to the End of the Year

614*l.* for the Field Train Department;

One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Six hundred and fourteen Pounds, for defraying the Expence of the Director General of the Field Train, and for the Field Train Department, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight;

4,559*l.* for the Medical Establishment of the Ordnance;

and any Sum or Sums of Money not exceeding Four thousand five hundred and fifty-nine Pounds, for defraying the Expences of the Medical Establishments for the Military Department of the Ordnance, being the remaining Half to the End of the Year One thousand eight

2,023*l.* for Military Academy at *Woolwich*;

hundred and twenty-eight; and any Sum or Sums of Money not exceeding Two thousand and twenty-three Pounds, for defraying the Expences of the Establishment of the Civil Officers, Professors, and Masters of the Royal Military Academy at *Woolwich*, being the remaining Half to the End of the Year One thousand eight hundred

78,849*l.* for the Extraordinaries of the Ordnance;

and twenty-eight; and any Sum or Sums of Money not exceeding Seventy-eight thousand eight hundred and forty-nine Pounds, for defraying the Extraordinaries of the Office of Ordnance, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight, after deducting Eighty-two thousand five hundred Pounds for Sales of old Stores, Savings, and unexpended Sums of

4,359*l.* for Ordnance not provided for in 1827;

former Grants, and for Rents received; and any Sum or Sums of Money not exceeding Four thousand three hundred and fifty-nine Pounds, for defraying the Expence of Services performed by the Office of Ordnance, and not provided for by Parliament in the Year One thousand eight hundred and twenty-seven, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight;

eight; and any Sum or Sums of Money not exceeding Fifty-eight thousand five hundred and fifty-four Pounds, for the Charge of the Office of Ordnance in *Ireland*, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight, after deducting Three thousand five hundred Pounds for Sums unexpended upon former Grants, Sales of old Stores, and for Rents received; and any Sum or Sums of Money not exceeding One hundred and fifty thousand two hundred and forty-one Pounds, for the Charge of the Office of Ordnance in *Great Britain* and *Ireland*, on account of the Allowances to Superannuated, Retired, and Half Pay Officers, to superannuated and disabled Men and Pensioners, also for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-two thousand six hundred and eighty-three Pounds, for the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance in *Great Britain* and *Ireland*, in respect of their having held any Public Offices or Employments of a Civil Nature, and also for the Charge of Widows Pensions, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Fifty thousand two hundred and thirty-seven Pounds, for defraying the Charge of the Barrack Department in *Great Britain*, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight, after deducting Nine thousand nine hundred Pounds for condemned Stores, Rents of Canteens, *et cetera*; and any Sum or Sums of Money not exceeding Forty-two thousand six hundred and forty Pounds, for defraying the Charge of the Barrack Department in *Ireland*, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight, after deducting Eleven thousand one hundred Pounds for Savings of former Grants, condemned Stores, Rents of Canteens, *et cetera*; and any Sum or Sums of Money not exceeding Fifty-two thousand six hundred and fifty-eight Pounds, for defraying the Charge of the Military Store Branch for *Great Britain*, *Ireland*, and the Colonies, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Eighty thousand six hundred and twelve Pounds, for defraying the Expence of the Military Works, Barracks, and Buildings, in the Colonies, transferred from the Army Extraordinaries and Colonial Departments, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight, after deducting Three thousand Pounds for Rents of Canteens, condemned Stores, *et cetera*; and any Sum or Sums of Money not exceeding One thousand Pounds, for defraying the Expences of Sums to be paid at the Treasury and at the Exchequer, for Fees on the Amount of the Ordnance Estimates, being the remaining Half to the End of the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, towards defraying the Expence of Military Works at *Kingston* in *Upper Canada*, and *Halifax* in *Nova Scotia*, for the Year One thousand eight hundred and twenty-eight, upon an Estimate not exceeding for both these projected Works the Sum

58,554*l.* for Ordnance in *Ireland*;

150,241*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c.;

22,683*l.* for Allowances, &c. to Persons belonging to the Ordnance Civil Department, &c.;

50,237*l.* for the Barrack Department in *Great Britain*;

42,640*l.* for ditto in *Ireland*;

52,658*l.* for the Military Store Branch;

80,612*l.* for Military Works in the Colonies;

1,000*l.* for Fees on Ordnance Estimates;

30,000*l.* for Military Works in *Upper Canada* and *Nova Scotia*.

Sum of Three hundred and thirty thousand six hundred and forty-four Pounds.

23,800*l.* to pay off Exchequer Bills charged on the Aids of 1827 and 1828.

VI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-three millions eight hundred thousand Pounds, to pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the Years One thousand eight hundred and twenty-seven and One thousand eight hundred and twenty-eight, now remaining unpaid or unprovided for.

500,000*l.* to pay off Exchequer Bills charged on the Aids of 1828.

VII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to pay off and discharge Exchequer Bills issued pursuant to an Act of the Seventh and Eighth Years of the Reign of His present Majesty, charged on the Aids of the Year One thousand eight hundred and twenty-eight, now remaining unpaid and unprovided for.

784,200*l.* to pay off Exchequer Bills for carrying on Public Works.

VIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred and thirty-four thousand two hundred Pounds, to pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for.

3,040*l.* for the Civil Establishment of the *Bahama* Islands;

10,445*l.* for *Nova Scotia*;

3,600*l.* for *New Brunswick*;

4,000*l.* for *Bermuda*;

2,820*l.* for *Prince Edward Island*;

IX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand and forty Pounds, to defray the Charge of the Civil Establishment of the *Bahama* Islands, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand four hundred and forty-five Pounds, to defray the Charge of the Civil Establishment of *Nova Scotia*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand six hundred Pounds, to defray the Charge of the Civil Establishment of *New Brunswick*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Charge of the Civil Establishment of the Island of *Bermuda*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand eight hundred and twenty Pounds, to defray the Charge of the Civil Establishment of *Prince Edward Island*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be

issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-three thousand eight hundred and eighteen Pounds Seven Shillings and Five-pence, to defray the Charge of the Civil Establishment of the Island of *Newfoundland*, for the Year One thousand eight hundred and twenty-eight, and of the Expence of erecting a House for the Governor, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand six hundred and twenty-four Pounds One Shilling and Eight-pence, to defray the Charge of the Civil Establishment of *Sierra Leone*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Charge of the Civil and Military Establishments of the Settlements on the *Gold Coast*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

23,818*l.* 7*s.* 5*d.* for *Newfoundland*;

11,624*l.* 1*s.* 8*d.* for *Sierra Leone*;

4,000*l.* for Establishments on the *Gold Coast*.

X. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five Millions, to discharge the like Amount of Supplies granted for the Service of the Years One thousand eight hundred and twenty-three, One thousand eight hundred and twenty-four, One thousand eight hundred and twenty-five, One thousand eight hundred and twenty-six, and One thousand eight hundred and twenty-seven; and any Sum or Sums of Money not exceeding Sixteen thousand six hundred and forty-nine Pounds, to defray the Expences of the *British Museum*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two hundred and forty thousand Pounds, to defray the Charge of Civil Contingencies, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-nine thousand Pounds, to defray the Salaries and Allowances to the Officers of the Houses of Lords and Commons, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray the Expences of the Houses of Lords and Commons, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Ninety-eight thousand four hundred and thirteen Pounds, to make good the Deficiency of the Fee Fund in the Departments of His Majesty's Treasury, Secretaries of State, most Honourable Privy Council, and Committee of Privy Council for Trade, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Seventy-seven thousand two hundred and twenty-eight Pounds Six Shillings, to defray the contingent Expences and Messengers Bills in the Departments of His Majesty's Treasury, Secretaries of State, most Honourable Privy Council, and Committee of Privy Council for Trade, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Six thousand five hundred Pounds, to make Compensation to the Commissioners appointed by several Acts for inquiring into the Collection and Manage-

There shall be issued 5,000,000*l.* to discharge Supplies for 1823, 1824, 1825, 1826, and 1827;

16,649*l.* for the *British Museum*;

240,000*l.* for Civil Contingencies;

29,000*l.* for the Officers of the Houses of Lords and Commons;

16,000*l.* for the Expences of the Houses of Lords and Commons;

98,413*l.* for Deficiency of Fee Fund in Departments of the Treasury, &c.;

77,228*l.* 6*s.* for contingent Expences in those Offices;

6,500*l.* to Commissioners of Revenue Inquiry;

Management of the Revenue in *Ireland*, and into certain Revenue Departments in *Great Britain*, for their Assiduity, Care, and Pains in the Execution of the Trust reposed in them by Parliament, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Salaries to certain Officers and the Expences of the Court and Receipt of the Exchequer, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Nine hundred and fifty-eight Pounds Five Shillings, to pay the Salaries or Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, for reading Courses of Lectures, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and sixty-nine Pounds, to pay the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of their Office, for the Year One thousand eight hundred and twenty-eight, and also the Expences attendant upon their Circuits; and any Sum or Sums of Money not exceeding Four thousand seven hundred Pounds, to pay, in the Year One thousand eight hundred and twenty-eight, the Salaries of the Officers and the contingent Expences of the Office for the Superintendence of Aliens, and also the Superannuations or Retired Allowances to Officers formerly employed in that Service; and any Sum or Sums of Money not exceeding Fifteen thousand four hundred and ninety-seven Pounds Thirteen Shillings and Eight-pence, to defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in Public Offices or Departments, or in the Public Service, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and forty Pounds, to enable His Majesty to grant Relief, in the Year One thousand eight hundred and twenty-eight, to *Toulenese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, and others who have heretofore received Allowances from His Majesty, and who from Services performed or Losses sustained have special Claims upon His Majesty's Justice and Liberality, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expence of the National Vaccine Establishment, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, for the Support of the Institution called "The Refuge for the Destitute," for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand five hundred Pounds, for the Relief of *American* Loyalists, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand six hundred and six Pounds Ten Shillings, to defray the Expence of confining

7,000*l.* for Officers, &c. of Exchequer;

958*l.* 5*s.* for certain Professors in *Oxford* and *Cambridge*;

13,669*l.* for Commissioners, &c. of Insolvent Debtors Court;

4,700*l.* for Superintendence of Aliens, &c.;

15,497*l.* 13*s.* 8*d.* for Retired Allowances to Persons formerly employed in Public Offices, &c.;

14,340*l.* for Relief to *Toulenese* and *Corsican* Emigrants, *Dutch* Naval Officers, and *St. Domingo* Sufferers, &c.;

2,500*l.* for the Vaccine Establishment;

3,000*l.* for the Refuge for the Destitute;

4,500*l.* for *American* Loyalists;

3,606*l.* 10*s.* for maintaining Criminal Lunatics;

and

and maintaining Criminal Lunatics, for the Year One thousand eight hundred and twenty-eight, and that the Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand nine hundred and twelve Pounds Seven Shillings and Ten-pence, to pay the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Protestant Refugee Clergy, poor *French* Protestant Refugee Laity, and sundry small charitable and other Allowances to the Poor of *Saint Martin in the Fields*, and others, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Forty-nine thousand Pounds, for His Majesty's Foreign and other Secret Services, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eighty thousand Pounds, to defray the Expence of printing Acts of Parliament, and Bills, Reports, and other Papers for the Two Houses of Parliament, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Five thousand seven hundred and fifty Pounds, to defray the Expence of Printing under the Direction of the Commissioners of Public Records, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Ninety-five thousand six hundred and fifty Pounds, to defray the Expence of providing Stationery, Printing, and Binding, for the several Public Departments of Government, for the Year One thousand eight hundred and twenty-eight, including the Expence of the Establishment of the Stationery Office; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray the extraordinary Expences that may be incurred for Prosecutions, *et cetera*, relating to the Coin of this Kingdom, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Six thousand three hundred Pounds, to defray the Expence of Fittings and Furniture for the Two Houses of Parliament, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of Law Charges, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred and six thousand nine hundred and fifty-eight Pounds, to defray the Expence attending the confining, maintaining, and employing Convicts at Home and at *Bermuda*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to pay Bills drawn from Abroad by His Majesty's Governors and others, for the Expences incurred under the Act for the Abolition of the Slave Trade, and in conformity to certain Orders in Council for the Support of captured Negroes, free *American* Settlers, *et cetera*, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to pay, in the Year One thousand eight hundred and twenty-eight, the Salaries and incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaties with *Spain*, *Portugal*, and the *Netherlands*, for preventing the illegal Traffic

5,912*l.* 7*s.* 10*d.* for Dissenting Ministers, poor *French* Refugee Clergy, &c.;

49,000*l.* for Secret Services;

80,000*l.* for printing Acts, Bills, Reports, &c. for Houses of Parliament;

5,750*l.* for printing Public Records;

95,650*l.* for Stationery, &c. for Public Departments;

6,000*l.* for Prosecutions relating to the Coin;

6,300*l.* for Fittings and Furniture for the Two Houses of Parliament;

15,000*l.* for Law Charges;

106,958*l.* for maintaining Convicts;

30,000*l.* for Expences incurred under the Act for Abolition of the Slave Trade;

18,000*l.* for Commissioners under the Treaties with *Spain*, &c. for preventing Traffic in Slaves;

40,000*l.* for Expences of Missions to the new States of *America*;

97,870*l.* for Salaries and Expences of Consuls;

120,000*l.* to defray Bills drawn from *New South Wales*;

2,442*l.* 10*s.* for Colonial Services;

47,500*l.* for Engineers' Stores for *New South Wales*, Clothing for Convicts, &c.

7000*l.* for a Pier at *Hobbs Point*, for Accommodation of Packets;

20,000*l.* for Public Buildings;

7,000*l.* for Works at *Port Patrick* Harbour;

8,000*l.* for Works at *Donaghadee* Harbour;

20,000*l.* for the Harbour at *Kingstown*;

43,600*l.* for Buildings at the *British Museum*;

Traffic in Slaves, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty thousand Pounds, to defray the Expences of Missions and Special Commissions to the new States of *America*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ninety-seven thousand eight hundred and seventy Pounds, to pay the Salaries of Consuls General and Consuls, their contingent Expences, and Superannuation Allowances to retired Consuls, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to defray the Amount of Bills drawn or to be drawn from *New South Wales*, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Two thousand four hundred and forty-two Pounds Ten Shillings, to defray the Expence of certain Colonial Services (formerly paid out of the Extraordinaries of the Army), for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-seven thousand five hundred Pounds, to defray the Charge, in the Year One thousand eight hundred and twenty-eight, of providing Stores for the Engineer Department in *New South Wales* and *Van Diemans Land*, Bedding and Clothing for the Convicts, Clothing and Tools for the liberated *Africans* at *Sierra Leone*, and *Indian* Presents for *Canada*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of erecting a Pier at *Hobbs Point*, for the Accommodation of the Packets communicating between *Milford Haven* and *Waterford*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of Works and Repairs of Public Buildings, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of Works executing at *Port Patrick* Harbour, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the Expence of Works executing at *Donaghadee* Harbour, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of Works executing at the Royal Harbour of King *George* the Fourth at *Kingstown* (formerly *Dunleary*), for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty-three thousand six hundred Pounds, to defray the

Expence of Buildings at the *British Museum*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expence of Buildings at the Offices of the Lords of His Majesty's Privy Council and of the Committee of Privy Council for Trade, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One hundred and eighty thousand Pounds, to defray the Expence of the Alterations and Improvements of *Windsor Castle*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of Works for the Accommodation of the Two Houses of Parliament, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, in aid of the Expence of erecting Churches in the *West Indies*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Nineteen thousand four hundred and thirteen Pounds Ten Shillings, to defray the Expences of the Commissioners for the Harbours and Roads of *Howth* and *Holyhead*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand seven hundred and fifty-two Pounds, to complete the Works at *Dunmore* Harbour, in the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of the Establishment of the Penitentiary House at *Milbank*, from the Twenty-fourth Day of *June* One thousand eight hundred and twenty-eight to the Thirty-first Day of *December* One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and eighty-two Pounds, to defray the Expences of the Society for the Propagation of the Gospel in certain of His Majesty's Colonies, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand nine hundred and ninety-five Pounds Fifteen Shillings and Eight-pence, for defraying the Charge of the Royal Military College, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding Twenty-seven thousand six hundred and twenty-nine Pounds Three Shillings and Seven-pence, for defraying the Charge of the Royal Military Asylum, for the Year One thousand eight hundred and twenty-eight; and any Sum or Sums of Money not exceeding One hundred and thirty-five thousand Pounds, to defray the Expence, in the Year One

4,000*l.* for Buildings at the Office of the Privy Council, &c.;

180,000*l.* for Works at *Windsor Castle*;

7,000*l.* for Works at the Houses of Parliament;

2,500*l.* for erecting Churches, &c. in the *West Indies*;

19,413*l.* 10*s.* for the Roads and Harbours of *Howth* and *Holyhead*;

4,752*l.* for Works at *Dunmore* Harbour;

15,000*l.* for Penitentiary House at *Milbank*;

16,182*l.* to the Society for propagating the Gospel in the Colonies;

12,995*l.* 15*s.* 8*d.* for Royal Military College;

27,629*l.* 3*s.* 7*d.* for Royal Military Asylum;

135,000*l.* for improving the Communication

between Montreal and Kingston.

One thousand eight hundred and twenty-eight, of improving the Water Communication between *Montreal* and the *Ottawa*, and from the *Ottawa* to *Kingston*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

There shall also be issued 21,391*l.* for the House of Industry;

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-one thousand three hundred and ninety-one Pounds, to defray the Expence of the House of Industry, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

6,659*l.* for the *Richmond* Lunatic Asylum;

and any Sum or Sums of Money not exceeding Six thousand six hundred and fifty-eight Pounds, to defray the Expence of the *Richmond* Lunatic Asylum, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

1,676*l.* for the Female Orphan House;

and any Sum or Sums of Money not exceeding One thousand six hundred and seventy-six Pounds, to defray the Expence of the Female Orphan House, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,490*l.* for the *Westmoreland* Lock Hospital;

and any Sum or Sums of Money not exceeding Three thousand four hundred and ninety Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

2,770*l.* for the Lying-in Hospital;

and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventy Pounds, to defray the Expence of the Lying-in Hospital, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

1,700*l.* for Dr. *Steeven*'s Hospital;

and any Sum or Sums of Money not exceeding One thousand seven hundred Pounds, to defray the Expence of Doctor *Steeven*'s Hospital, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,860*l.* for the Fever Hospital;

and any Sum or Sums of Money not exceeding Three thousand eight hundred and sixty Pounds, to defray the Expence of the Fever Hospital, *Cork Street*, *Dublin*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

465*l.* for Hospital of Incurables;

and any Sum or Sums of Money not exceeding Four hundred and sixty-five Pounds, to defray the Expence of the Hospital for Incurables, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

7,000*l.* for the Royal *Dublin* Society;

and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of the Royal *Dublin* Society, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

300*l.* for the Royal *Irish* Academy;

and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Irish* Academy, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

7,500*l.* for the *Hibernian* Society for Soldiers Children;

and any Sum or Sums of Money not exceeding Seven thousand five hundred Pounds, to defray the Expence of the *Hibernian* Society for Soldiers Children, for the Year One thousand eight

eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand eight hundred Pounds, to defray the Expence of the *Hibernian* Marine Society, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the Royal *Cork* Institution, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and eighty-four Pounds, to defray the Expence of the Protestant Charter Schools of *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expence of the Association for discountenancing Vice, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, to defray the Expence of the Roman Catholic Seminary at *Maynooth*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Expence of the Society for promoting the Education of the Poor, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-two thousand five hundred and six Pounds, to defray the Expence of the Foundling Hospital, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the *Belfast* Academical Institution, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

1,800*l.* for the *Hibernian* Marine Society;

1,500*l.* for the Royal *Cork* Institution;

14,384*l.* for the Protestant Charter Schools in *Ireland*;

9,000*l.* for Society for discountenancing Vice;

8,928*l.* for the Roman Catholic Seminary at *Maynooth*;

25,000*l.* to the Society for Education of the Poor;

32,506*l.* for the Foundling Hospital;

1,500*l.* for the *Belfast* Academical Institution.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Expence of the Board of Charitable Bequests, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray the Expence of the Board of Works, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices, in *Dublin Castle*, for the Year One

There shall also be issued 700*l.* to the Commissioners for Charitable Bequests;

16,000*l.* for Board of Works;

15,000*l.* for Expence of Printing, Stationery, &c. for Public Offices in *Dublin Castle*, &c.;

One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

5,800*l.* for publishing Proclamations, &c.; and any Sum or Sums of Money not exceeding Five thousand eight hundred Pounds, to defray the Expence of publishing Proclamations and other Matters of a Public Nature, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,500*l.* for printing Statutes; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Expence of printing Statutes in *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

37,000*l.* for Criminal Prosecutions, &c.; and any Sum or Sums of Money not exceeding Thirty-seven thousand Pounds, to defray the Expence of Criminal Prosecutions, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

14,360*l.* 6*s.* for Dissenting Ministers; and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and sixty Pounds Six Shillings, to defray the Expence of Nonconforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

740*l.* 6*s.* 2*d.* for Lottery Officers; and any Sum or Sums of Money not exceeding Seven hundred and forty Pounds Six Shillings and Two-pence, to pay the Salaries to Lottery Officers in *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

5,852*l.* for Inland Navigations; and any Sum or Sums of Money not exceeding Five thousand eight hundred and fifty-two Pounds, to defray the Expence of Inland Navigations, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

24,800*l.* for the Police of *Dublin*; and any Sum or Sums of Money not exceeding Twenty-four thousand three hundred Pounds, to defray the Expence of the Police and Watch Establishments of the City of *Dublin*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

7,324*l.* for Inquiry into Courts of Justice; and any Sum or Sums of Money not exceeding Seven thousand three hundred and twenty-four Pounds, to defray the Expence of the Commissioners of Judicial Inquiry, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,200*l.* for the Record Commission; and any Sum or Sums of Money not exceeding Three thousand two hundred Pounds, to defray the Expence of the Board of Public Records in *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

14,000*l.* for Public Works in *Ireland*; and any Sum or Sums of Money not exceeding Fourteen thousand Pounds, to defray the Expence of certain Public Works in *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever;

3,000*l.* for Townland Survey. and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, for the Year One thousand eight hundred and twenty-eight, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

XIII. And

XIII. And be it further enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being may withhold, or issue in aid of such other Establishments for general Education, and under such Conditions as he shall think fit, the Sums for the Protestant Charter Schools of *Ireland*, for the Association for discountenancing Vice, for the Education of the Poor, and for the *Belfast* Academical Institution.

Lord Lieutenant may withhold Sums from certain Establishments and issue them to others.

XIV. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued and applied to any Use, Intent, or Purpose whatever, other than the Uses and Purposes before mentioned, (except as next before mentioned,) or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament, or to the Payment or Compensation heretofore allowed for or in lieu of the Prisage and Butlerage of Wine in *Ireland*.

Supplies to be applied only for the Purposes aforesaid.

XV. And as to the Sum of Seven hundred and twenty thousand two hundred and fifty Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in His Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under His Majesty, or in His Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison; and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay, unless with His Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General of His Majesty's Land Forces; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the other Military Place or Employment of Profit on the Staff or in a Garrison which he may hold or have held under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government; that no Person who

Rules to be observed in the Application of the Sum appropriated to Half Pay.

who shall at the Time of the passing of this Act hold any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases, unless His Majesty's special Approbation be signified as aforesaid; and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Oath or Affidavit the Civil Place or Employment of Profit which he may hold or have held as aforesaid, and the Date of Appointment; but if the Net Annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General of the Land Forces, with His Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and twenty-eight, so much of the Half Pay claimed by any such Officer as shall, together with the Net Annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; that no Person who shall after the passing of this Act be appointed to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty beyond the Seas, or under any other Government: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any other Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon the taking such Oath (if any) as shall be required in or by any Act or Acts, or specified in any Warrant of His Majesty, as the Case may be, and stating in such Oath the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

XVI. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the last Session of Parliament, intituled *An Act for enabling His Majesty to raise a Sum of Five hundred thousand Pounds by Exchequer Bills, and for appropriating the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies have been paid to Officers claiming and entitled to Half Pay, who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*; and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in the receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, or Prosecutions or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid, shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Law, or Rules or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

7 & 8 G. 4. c. 70.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

XVII. And whereas the Officers of the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for Payment of the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been before allowed to receive the same,

Half Pay allowed to the Officers of the *Manx* Fencibles.

same, upon taking an Oath before the Officer usually administering Oaths to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under His Majesty, besides their Allowances of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the taking the Oath shall, without taking any other Oath, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.

XVIII. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in Possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in Possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making Affidavit before the proper Officer for administering Oaths to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any such Year derived from the Crown, nor any Place or Employment of Profit under His Majesty; and the taking the said Oath shall, without taking any other Oath, be sufficient to entitle such Chaplain to receive his Half Pay.

By 7 & 8 G. 4. c. 70. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XIX. And whereas by the said recited Act, passed in the last Session of Parliament, the several Supplies which had been granted to His Majesty, as is therein mentioned, were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Seven hundred twenty-five thousand and two hundred Pounds was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and twenty-seven, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the said Sum of Seven hundred twenty-five thousand and two hundred Pounds as is or shall be more than sufficient to satisfy the said Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act, or in the said Act, to the contrary notwithstanding.

Widows and Persons claiming Pensions or Allowances shall take the required Oath.

XX. And as to the Sum of One hundred forty-three thousand and eighty-three Pounds, by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces as aforesaid; and as to the Sum of One hundred ninety-five thousand and five hundred Pounds, by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid; it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of His Majesty's Royal Bounty, shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrant directing the Issue of such Pensions and Allowances to be received, such Oath to be taken before any Justice or Justices of the Peace, or other Person duly authorized to administer an Oath, or before the Cashier of Widows Pensions, or the First Assistant Examiner of the same for the Time being, in the Office of the Paymaster General of His Majesty's Land Forces, who are hereby authorized to administer the same.

By whom the Oath to be administered.

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